Encyclopaedia of Indian War of Independence

Vol. 2

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The Congress and the Freedom Movement

BIRTH OF THE CONGRESS

Its Genesis

The 1857 revolt was suppressed. The British Empire in India was saved, Queen Victoria was proclaimed Empress of India and the new policy was ushered in. It was even more reactionary and in the long run proved very harmful. The native princes were now to be used as British tools and propped as bulwark against forces of resistance and progress. Government was no longer to encourage social reform. The benign rule was thus to carefully preserve decaying aristocracies, superstition and warring dogmas and cults. These were to provide the pattern for British imperialism with its foundations laid deep in the religious differences, caste and untouchability and the feudal states and the aristocracy.

ECONOMIC AND POLITICAL DISCONTENT

The policy of economic exploitation, however, became even worse though more subtle, Mass unrest was the inevitable result of the ever growing poverty and helplessness of the peasantry.

The common people, Hindus and Muslims, struggled against the terrible oppression, wherever they could and with whatever weapons they could muster. There was a new English educated class which was used to run the Government machinery. I was great admirer of everything Western which lent its support to the Government.

The belief of the educated classes in the English tradition of liberal thought and institutions received setbacks as a result of various Government measures. The Freedom of the press, introduced earlier by Metcalfe was soon done away with. The vernacular Press was gagged in 1878 and the Bengali *Amrita Bazar Patrika* had to change overnight into an English garb. The Arms Act was passed in 1879. This disillusionment advanced further when the filbert Bill to abolish "judicial discrimination, based, on racial distinction" had to be virtually dropped on accounts of fierce opposition by the European community and the Civil Service. The Europeans did not hesitate to threaten the Viceroy, Lord Ripon, with violence if the Bill was passed. Indians learned the' lesson at time. In 1853 the first Cotton Mill was established in Bombay. The number of mills rose to 156 by 1880. This was an alarming progress and under pressure of Lancashire, all duties on cotton imports into India were removed in 1882.

SOCIAL RENAISSANCE

It was not merely the economic exploitation and the sense of political subjection that gave birth to the Congress. For fifty years and more before the birth of the Congress, the leaven of national rejuvenation had been at work. In fact national life was in a state of ferment as early as in the times of Rammohan Roy, who could in a w be regarded as the prophet of Indian Nationalism and the father of modern India. He has a wide vision and a broad outlook. While it is in that the socio-religious condition of his day was the subject of his special attention in his reformist activities, he nevertheless a keen sense of the grave political wrongs by which his country was afflicted at that time and made a strenuous effort to seek an early redress of those wrongs. Rammohan Roy was born in 1776 and passed away at Bristol in 1883.

His name is associated with two great reforms in India, namely, the abolition of Sati and the introduction of western learning in the country. In the closing period of his life he chose to Visit England and his passion for liberty was so great that when he reached the Cape of Good Hope he insisted on his being carried to a French vessel where he the flag of liberty flying, so that he might be able to do homage to that flag, and when he saw the flag he shouted, "Glory, Glory, Glory to the Flag." Although he had gone to England primarily as the ambassador of the Moghul Emperor to plead his cause in London, yet he took the opportunity to place some of the pressing Indian grievances before a Committee of the House of Commons. He submitted three papers, on the Revenue system of India, the Judicial system of India, and the Material condition of India. He was honoured by the East India Company with a public dinner. When in 1832 the Charter Act was before Parliament he vowed that if the Bill was not passed he would give up his residence in the British dominion and reside in America.

The Universities were established in 1858 and the High Courts and the Legislative Councils in India between 1861and 1963 Just before the "mutiny", the "Widow Re-marriage Act" was passed as also the Act relating to conversion into Christianity. In the sixties of the nineteenth century, an intimate contact was established with Western learning and literature, Western legal institutions and Parliamentary methods were inaugurated, to mark a new era in the field of law and legislation. The impact of Western civilization on the East could not hut leave a deep impress upon the beliefs and sentiments of the Indian people who came directly under its influence.

The only parts of the country which had received some education on modern, lines were the provinces of Bengal, Bombay and Madras. The number of educated men even in these provinces was small. In the work of settlement that followed the mutiny, these educated men found ample scope for their ambition. These races of *Babus* began to think like their English masters, admired and emulated everything that came from the West.

Soon, however, there was a reaction against this process of denationalisation which assumed various forms, some of a synthesis of the West and the East and others of a revivalism going to the past.

BRAHMO SAMAJ & PRARTHANA SAMAJ

The germs of religious reform planted in the days of Rammohan Roy became widespread Keshab Chandra Sen on whose shoulders fell the mantle of Rammohan Roy spread the

gospel of the Brahmo Samaj far and wide and gave a new social orientation to its tenets. He turned his attention to the temperance movement and. made common cause with the temperance reformers in England. He was largel responsible for the passing of the Civil Marriage Act III of 1872.

The Brahmo Samaj of Bengal had it's repercussions all over the country. In Poona, the movement assumed the name of Prarthana Samaj under the leadership of MG. Ranade, who, it will be remembered was the founder of the Social Reform movement which for long years continued to be an adjunct of the Congress. One feature, however, to this reformist movement was a certain disregard for the past and a spirit of revolt from the time-honoured and traditional beliefs of the country, which arose from au undue glamour presented by the Western institutions and heightened greatly by the political prestige associated with them.

ARYA SAMAJ

The *Arya Sarnaj* in the North West founded by the venerable Swami Dayanand Saraswati, and the Theosophical movement from the South furnished the necessary corrective to the spirit of heterodoxy and even heresy which the Western learning brought with it. Both of them were intensely nationalistic movements, only the Arya Samaj movement which owed its birth to the inspiration of the great Dayanand Saraswati was aggressive in its patriotic zeal, and while holding fast to the cult of the infallibility of the Vedas and the superiority of and the infallibility of the Vedic culture was at the same time not inimical to broad social reform. It thus developed a virile manhood in the Nation which was the synthesis of what is best in its heredity, with what is best in its environment. It fought some of the prevailing social evils and religious superstitions in Hinduism as much as the Brahmo Samnaj had battle against polytheism, idolatry amid polygamy.

THEOSOPHICAL MOVEMENT

The Theosophical movement while it extended its studies and sympathies to the wide world, laid special emphasis on a rediscovery as well as a rehabilitation of all that was great and glorious in the culture, It was this passion that led Mrs. Besant to start a college in Benares, the holy cit of India. The Theosophical activities, while developing a spirit of international brotherhood, helped to check that sense of rationalist superiority of the West and planted anew a cultural centre in India which attracted the savants amid scholars of the West once again to this ancient land.

RAMAKRISHNA MISSION

The latest phase of nation renaissance in India prior to the Congress was inaugurated in Bengal by that great sage, *Ram Krishana Paramhansh*, who later found in Swami Vivekanand his chief apostle carrying his gospel to East and West. The Ramakrishna Mission is not merely an organisation wedded to occultism or realism, but to a profound transcendentalism which, however, does not ignore the supreme duty of "Loke-Sangraha" or social service.

This "Cyclonic Hindu", as *Vivekananda* was called in America, carried the message of India not only to America or Europe, Egypt, China and Japan but was himself influenced greatly by the West and preached a dynamic new gospel of regeneration in India, from Cape Comorin to the Himalayas. He stressed on the necessity for liberty amid equality and the raising of the masses. He wanted to combine he Western progress with Indian spiritual background. The one constant refrain of his speech and writing was *Abhay* "Be fearless, be strong for weakness is sin, weakness is death."

A contemporary of Vivekananda and yet belonging to a much more later generation was *Rabindranath Tagore*. The Tagore family played a great part in various reform movements during the 19th Century in Bengal. It gave us Abhindranath Tagore and others,, great spiritual leaders and artists. The influence of Tagore over the mind of India and the stamp that he has left in the domain of literature, poetry, drama, music, soci4l and educational reconstruction and political thought is unsurpassed.in its beauty and depth. It is a marvel of human personality and mind affecting and giving colour to successive generations. The contribution of Tagore has been of a synthesis of the East and West, of the modern and the ancient and of the international with the national tide in the country.

These currents and movements were the real, lifeblood of the new national consciousness, urge and their embodiment that took shape partly and developed from, stage to stage in the form of the Indian National Congress.

THE IDEA OF AN ALL-INDIA ORGANISATION

The credit for the birth of the Congress is often sought to be given to A/art Octavian Hume, who with the' blessings 'of the Viceroy, Lord Dufferin, inaugurated it. The British are thus said to be the foster parents of the Indian nationalism. It is true that Hume was the organiser of the Congress Session in 1885. But it will be seen that the Congress was the natural and inevitable production of various political, economic and social forces.

The more alert among the English administrators were not unaware of the rising unrest in the country. "A reckless bureaucratic Government sat at this time trembling upon the crumbling fragments of a mendacious budget on the one side on the sheathing and surging discontent of multitudinous, population on the other". Mr. Hume collected widespread evidence of the imminence of a "terrible revolution" by the half-starved and desperate population and set about to find ways and means of direction the popular impulse into an innocuous channel.

He wrote a letter to "Graduates of Calcutta University" on March 1, 1883 and the "Indian National Union" was formed in 1884, in response to this, for constitutional agitation, on au all-India basis, and was to meet in Poona later. The Government who first patronised this organisation, however, found later that it outgrew their plans and the patronage was soon withdrawn. It came to be called the 'factory of sedition' in a few years and later Lord Dufferin himself tried to twit it as a body representing "microscopic minority" of India's population.

There were various provincial political organisations that preceded the Congress. In Bengal which was at the vanguard of progress at this time, in 1843 was founded the British Indian Society to be merged later into the British Indian Association. This body had such stalwarts as Rajendralal Mitra, Ramgopal Ghosh, Peary Chand Mitter and Harish Chandra Mukherjee. In Bombay there was the Bombay Association with Jaggannath Sankerset,

Dadabhai Naoroji, V.N, Mandlik and Nowrosjee Furdunjec. Later, more popular bodies, the Indian Association in Bengal and Sarvajanika Sabha in Poona, under Ranade and 1ahajauia Sabha in Madras were established. Surendranath 'Bannerjee went on an all India tour in 1877 and succeeding years and carried a campaign about Indian Home Rule and the political questions of the day. He attended the Delhi Durbar that year, and the idea of an all-India political organisation was mooted there.

In December 1884, the Annual Convention of the Theosophical Society was held at Madras and there some leading public men met and decided to inaugurate an all India national movement.

Thus, the ground was well prepared for the Government to take the initiative and the credit of forming the National Congress and keep it under control.

EARLY PHASE OF THE CONGRESS

The Indian National movement was primarily a movement for freedom from alien domina-nation. The movement has been one comprehensive effort embracing all aspects of the life of the community.

The birth of the Indian National Congress, perhaps the oldest and the biggest democratic organisation in the world, did not take place in an atmosphere of a fanfare of trumpets nor did it create a stir by passing flamboyant resolutions.

Hume's Initiative

In 1884, at the annual convention of the Theosophical Society at Adyar in Madras, Mr. Allan Octavian Hume laid bare to his friends his plan to organise the Congress. A committee was formed to make the necessary prepara tions for a session at Poona to be held in 1885.

The committee consisted of Mr. Hume, Mr. Surendra Nath Bannerji, Mr. Narendranath Sen, Mr. S. Subrarnania Iyer, Mr. P. Ananda Charlu, Mr. V.N. Mandalik, Mr.K.T. Telag, Sardar Dayal Singh, Lala Sri Ram.

Mr Hume, still a government servant, addressed an "Resolutions" that were passed on what were thought to open

letter to the graduates of Calcutta University with a fervent appeal for self help.

He said "and if even the leaders of thought are all years, excepting 'agitation' on these resolutions in India either such poor creatures, or so selfishly wedded to and in England personal concern, that they dare not strike a blow for their country's sake, then justly and rightly they are kept down and trampled on, for they deserve nothing better. Every nation secures precisely as good a government as it merits, If you the picked men, the most highly. educated of the nation cannot, scorning personal ease and selfish objects, make a resolute struggle to secure greater freedom for yourselves and your country, a more impartial administration, a larger share in the management of your own affairs then we, your friends are wrong and our adversaries right, then Lord Rippon's noble aspirations for your good are fruitless and visionary, then at present at any rate, all hopes of progress are at an end, and India truly neither lacks nor deserves any better government than she enjoys.

"Only if this be so, let us hear no more factious, peevish complaints that you are kept in strings and treated like children, for you will have proved yourself such, Men know how to act. Let there be no more complaints of Englishmen being preferred to you ill all important offices, for if you lack that public spirit, that highest form of altruistic devotion that leads men to subordinate private case to the public weal that patriotism that has made Englishmen what they are-then rightly are these preferred to you, rightly and inevitably have they become your rulers.. And rulers and task masters they must continue let the yoke gall your shoulders never so sorely, until you realise and stand prepared to act upon the eternal truth that self-sacrifice and unselfish ness are the only unfailing guide to freedom and happiness."

The First Session

The first session, of the Congress was to meet at Poona hut owing to an outbreak of cholera the venue was shifted to Bombay and the session began on the 28th December 1885, with Mr. W. C. Bnnerjee, the doyen of the Calcutta Bar in the chair, though

originally, it had been decided to request Lord Reay, Governor of Bombay, to be the first President of the Indian National Congress but the idea had to be dropped as the Governor was advised by the Viceroy not to accept the offer. 72 delegates came from different parts of the country and most important among them were Dadabhai Naoroji, Ranade, Pherozeshah Mehta K.T. Telang, Dinshaw Wacha, etc. The meeting was truly a national gathering consisting of leading men from all parts of India.

The president defined the objective of the Congress as "promotion of personal intimacy and friendship among all the more earnest workers in our country's cause in the parts of the empire and eradication of race, creed or provincial prejudice and fuller development of national unity."

In its early sessions, the Congress Organisation, by and large, limited its activities only to debates.

After the Madras Session in 1887, an aggressive propaganda was started among the masses. Hume published a pamphlet entitled "An Old Man's Hope" in which he appealed to the people of England in these words: "Ah men, well-fed and happy, do you at all realise the dull misery of these countless myriads? From their births to their deaths, how many rays of sunshine think you chequer their gloom-shrouded paths? Toil, toil, toil; hunger, hunger, hunger, sickness, suffering, sorrow; these alas, alas, alas are the keynotes of their short and sad existence.

In December 1889, the Congress Session was held at Bombay under the Presidentship of Sir William Wedderburn. It was attended by Charles Bradlaugh, a member of British Parliament He addressed the Congress in words; "For whom should I work if not for the people? Born of the people, trusted by the people, I will die for the people, and I know no geographical or race limitation."

Dadabhai Naoroji was re-elected as the President of the Lahore Session of the Congress held in December 1893, His journey from Bombay to Lahore presented the spectacle of a procession, and Citizens at various places on the way presented him addresses. At the Golden Temple at Amritsar, he was given a robe of honour. Addressing the audience at the Session, Dadabhai Naoraji declared:

"Let us, always remember that we are children of our mother country. Indeed, I have never worked in any other spirit than that I am an Indian and owe duty to my work and all my countrymen. Whether I am a Hindu or a Mohammedan, a Parsi, a Christian, or of any other creed, Tam above all an Indian. Our country is I our nationality is Indian."

The Moderates

The early Congressmen who dominated the affairs of the Indian National Congress from 1885, to 1905 were known as the Moderates. They belonged to a class which was Indian in blood and colour but British in tastes, in opinions, in morals and in intellect. They were supporters of British institutions. They believed that what India needed was a balanced and lucid presentation of her needs before the Englishmen and their Parliament. They had faith in the British sense of justice and fairplay.

The Moderates believed in orderly progress and constitutional agitation. They believed in patience, steadiness, conciliation and union. To quote Surendarnath Banerjee, "The triumphs of liberty are not to be won in a day. Liberty is a jealous goddess, exacting in her worship and claiming from her votaries prolonged and assiduous devotion." In 1887, Badruddin Tyabji observed: "Be moderate in your demands just in your criticism, correct in your facts and logical in your conclusions."

The Moderates believed in constitutional agitation within the four corners of law. They believed that their main task was to educate the people, to arouse national political consciousness and to create a united public, opinion on political questions. For this purpose they held meetings. They criticised the Government through the press. They drafted and submitted memorials and petitions to the-Government, to the officials of the. Government of India and also to the British Parliament. They also worked to influence the British Parliament and British public opinion. The object of the memorials and petitions was to enlighten the British public and political leaders about the conditions prevailing in India. Deputations of leading Indian leaders were sent to Britain in 1889. A British Committee of the Indian National Congress was founded in 1906 and that Committee started a journal called *India*.

Dadabhai Naoroji spent a major part of his life and income in Britain doing propaganda among its people and politicians.

The object before the Moderates was "wide employment of Indians in higher offices in the public service and the establishment of representative institutions."

The economic and political demands of the Moderates were formulated with a view to unifying the Indian people on the basis of a common political programme. They organised a powerful all-India agitation against the abandonment of tariff-duties on imports and against the imposition of cotton excise duties. This agitation aroused the feelings of the people and helped them to realise the real aims and purposes of British rule in India. They urged the Government to provide cheap credit to the peasantry through agricultural banks and to make avail able irrigation facilities on a large scale. They asked for improvement in the conditions of work of the plantation labourers, a radical change in the existing pattern of taxation and expenditure which put a heavy burden on the poor while leaving the rich, especially the foreigners, with a very light load.

The Moderates complained of India's growing poverty and economic backwardness and put all the blame on the policies of the British Government. They criticised the individual administrative measures and worked hard to reform the administrative system.

The Moderates opposed tooth and nail the restrictions imposed by the Government on the freedom of speech and the press. In 1897, Tilak and many other leaders were arrested and sentenced to long terms of imprisonment for spreading disaffection against the Government through their speeches and writings. The Natu brothers of Poona were deported without trial. The arrest of Tilak marked the beginning of a new phase of the Nationalist movement. The *Amrita Bazar Patrika* wrote: "There is scarcely a home in this vast country where Tilak is not now the subject of melancholy talk and where his imprisonment is not considered as a domestic calamity."

The basic weakness of the Moderates lay in their narrow social base. Their movement did not have a wide appeal. The area

of their influence was limited to the urban community. As they 1id not have the support of the masses, they declared that the time was not ripe for throwing out a challenge to the foreign rulers. To quote Gokhale, "You do not realise the enormous reserve of power behind the Government. If the Congress were to do anything such as you suggest, the Government would have no difficulty in throttling it in five minutes." However, it must not be presumed that the Moderate leaders fought for their narrow interests. Their pro-grammes and policies championed the cause of all sections of the Indian people and represented nation-wide interests against colonial exploitation. What they wanted was to reform or liberalise the existing system of government through peaceful, gradualist and constitutional means.

The influence of the moderates, however, declined with the rise of the militants who did not believe in gradualism and who criticized the moderates for their great faith in Britain and British political institutions.

RISE OF EXTREMISM

TIme moderates sought to make time provincial legislatures more representative and to increase the Indian element in the civil services, but the process was long and the progress slow slow, Repelled by the unsympathetic approach of the imperial bureaucracy and enraged by he unpopular policies of Lord Curzon, the Viceroy, and particularly his decision on the partition of Bengal, the youth of India moved towards militant politics and direct action. As a protest against the partition of Bengal (October 1905), the nationalists advocated the boycott of British goods.

In 1907, Bipin Pal made the paradoxical statement that the "viceroyalty of Lord Curzon…. had been one of the most beneficent if not decidedly the most beneficent viceroyalty that India ever had," for Curzon, by pursuing his unpopular policies, had made Indians SO discontented that they demanded self-government with greater determination than ever before. Aurobindo similarly declared that he considered the partition of Bengal to be a most beneficial measure because, by arousing intense opposition among the people, that measure had stirred up and strengthened national feeling.

As a result of the growing disillusionment about the activities of the British rulers and as a reaction against Curzon's proposal for the partition of Bengal there came into existence the extremist part which advocated a policy of boycott, *swadeshi* and national education in January 1907, Tilak declared: ''We are not armed, and there is no necessity of arms either. We have a stronger weapon, a political weapon in boycott.'' Tilak also said: "When you prefer to accept *swadeshi*, you must bycott *videshi* (foreign) goods. Without boycott, *swadeshi* cannot flourish.''

Aurbindo Tilak and Pal asked the people not to cooperative with the government. The basic theory of Tilak, Aurbindo and Pal, which was later put into operation a mass scale by Mahatmna Gandhi, was that as the existence of the Government depended on he cooperation of the people, the Government would cease to function or to exist the very day the people withdrew their Cooperation from it.

With the rise of the militant movement the glamour of England and English institutions began to fade and English influence increasingly came to be replaced by the influence emanating primarily from the indigenous sources as also from the European literature or revolt. The study of British constitutional history had generated among the moderates a love for and faith in Dominion status. But such stories as how the Italians had driven the Austrians out of their land gave militant nationalists a new conception and in fact a new ideal of complete independence. Self-government under British promontory had been the goal of the moderate school, but the ideal of extremist or militant school was complete autonomy and elimination of all foreign control.

Bal Gangadhar Tilak (1856-1920) and other extremist o wanted to adopt a policy of direct act and sistance, denounced what they called "the political mendicancy" of the moderates. During the anti partition agitation, in the first decade of the twentieth century Tilak wrote: "The time has come to demand *Swaraj* or self Government. No piecemeal reform will do. The system of the present administration is ruinous to the country. It must mend or end." According to him Swaraj was the birthright of every Indian.

"The term Swaraj," said Bipin Pal (1858-1932), another exremist leader, was not merely a political but primarily a moral concept.

"The corresponding term in our language," he said, "is not non-subjection which would be a literal rendering of the English word independence, but self-subjection which is a positive concept. Self-subjection means.... complete identification of the individual with the universal."

Another Swarajist leader who, like Tilak, spoke of the ideal of Swaraj, was Aurobindo Ghose (1872-1950). "We of the new school, "he said, ''would not pitch our ideal one inch lower than absolute Swaraj-Self-Government as it exists in the United Kingdom." And he added, "We reject the claim of aliens to force upon us a civilisation inferior to our own or keep us out of our inheritance on the untenable ground of a superior fitness."

Lajpat Rai (1865-1928), along with Bal Gangadhar Tilak and Bipin Pal, constituted the swarajist triumvirate called "Lal-Bal-Pal". Lajpat, like the other extremists, believed that India must rely oil her own strength amid should not look to Britain for help.

The swarajist said that however much Britain's rule might be improved or liberalised, it could never be as beneficial to Indians as the self-rule. Their attitude was the same as that of the Irish Sinn Fein leader Arthur Griffith, who had said: I"…in those who talk of ending British misgovernment we See the helots. It is not British misgovernment, but British government in Ireland, good or bad, we stand opposed to." The swarajists accordingly considered that freedom was their birthright.

THE SURAT SPLIT

In 1907, there was a split in the Congress and the Moderates parted company with the Extremists. That split was due to many causes. The moderates had controlled the Congress from its very beginning and even now they were ill control of it. They had their own ways of thinking and 1 which were not acceptable to the younger generation who were impatient with the speed at which the Moderates were moving and leading the nation. Under the circumstances, a confrontation between the two was inevitable and that actually happened in 1907.

The seeds of the split could be traced to the Calcutta Session in 1906, where the Moderates had accepted the resolutions on Swaraj, national education, boycott and *Swadeshi* on account of the

pressure brought of them from all quarters. In their hearts, they had not accepted the new resolutions. Their fear was that the growing pace of the national struggle might lead to lawlessness and that would provide the British with an excuse to deny the reforms on the one hand and to crush all political activity on the other. They had no self-confidence. They did not believe that sustained and dignified national struggle was possible and desirable. They considered the Extremists irresponsible persons who were likely to put in danger the future of the country. The British Government also tried to win over the Moderates against the Extremists. While the Extremists were roughly handled by the Government, the Moderates were shown all the favours. Lala Lajpat Rai, Sardai Ajit Singh, Tilak and man leaders of Bengal were deported.

The break-up of the Surat Congress was no doulbt au unpleasant affair. It marked a direct open breach between the Moderates and the Nationalist parties not only in Maharashtra but throughout India. For the first time in the history of the Congress, there was at Surat an open fight between the delegates of the Congress and sonic blood was drawn, but it did not stop at that. The split led to a cleavage in the sense that the name of the Indian National Congress had to be kept in abeyance for the time and a new entity called he convention was installed in its place. Of course as the name itself implies, the Convention was a stop-gap expedient, intended to function in the place of the Congress only till such time as the national Congress could meet again in its old form.

The old form had this peculiarity that there was not much ceremony observed in the election oft he delegates to the Congress. There were no conditions of membership. There was no constitution as such for the Congress, no election of delegates. In fact the membership was open to anyone that might choose to attend the Congress session as a delegate. There was no competition as such in the election of the delegates for the simple reason that there was no numerical allotment fixed for an province, it was an open rally of all that chose to attend.

Tilak and his party were of course ousted from the Convention because they would not sign a prescribed creed of political faith,

which practically excluded the ideal of independence, if only an ideal so far. The Convention and the Nationalist party met in two separate camps at Surat. It must be noted here that even with this definite split in the Congress each party duly affirmed its love for the Congress which alone was regarded as the true national Assembly for the country and in both the camps the hope was expressed that sooner or later there might again be held a Congress united as before.

Nobody could openly allege the break-up of the Congress as a criminal offence, but the split was taken into consideration by the government as an open challenge to the policy of constitutional agitation. After Tilak's conviction by the High Court, the National party led by him became sullen and almost went underground. For six years from 1908 to 1914, the Nationalist Party could not decide as to what it should do about entering the Congress. There was an attempt made to call a meeting of a rival Congress at Nagpur. But while government banned the session, there was also want of unanimity in the party itself about the starting of a rival Congress which might make the split absolutely permanent. The cooler wings in the Party thought that there was no wisdom in setting up a rival to the old Congress as without unity among political parties the show as presented by separate parties was bound to be poor. A group within the Tilak Party was trying to negotiate matters with the leaders of the Moderate party for making the entry of this group and others of its persuasion into the Congress on its own terms, that is to say, without the restriction of a creed and with the old facilities for unfettered election of delegates. But the other view was more insistent and prevailed, namely, that nothing should be done in this matter until Tilak returned from Mandalay.

Tilak's Loyal Attitude

Things came to a head after his return, It was soon discovered that Tilak was against setting up of a rival Congress though b this tune it was also discovered that the Moderate party had a very poor following in t lie Congress, so much so that the total number of delegates of the Congress at one tune did not mount to even 350, though the session was held under the presidency of such an illustrious personage as Pandit Madan Mohan Malaviya, and

also held in the vantage ground of northern. India. This loyal attitude of Tilak towards the Congress was well-known to the Moderates but was not appreciated by them. In fact, they resisted by every means in their power, all efforts made by Tilak and his friends to re enter the Congress.

Both Tilak and Mrs. Besant ioined hands and two Home Rule Leagues were formed, one in Maharashtra and the other in Madras. By the time of the Lucknow Congress in 1916, most of the open sores were healed. There was an urge in the mind of both Parties towards re union on honourable conditions. Some conditions about the membership of the Congress were agreed to, and the Moderate Party opened its arms to the Nationalist Party. Tilak attended the Lucknow Congress after an absence of 8 years and was given the honours of the one and sole political hero of the time. It must also be mentioned that the Moderate group in the Congress could not yet make up its mind to instal Tilak as the president of the Congress. But it was well-know that Tilak never hankered after this honour. On the contrary, he was determined to practise an ordinance of self-denial in this matter, for it was well-know that though elected president of the Congress which was to have been, but was not held, in 1907, in Nagpur by the Reception Committee at Nagpur, Tilak withdrew his name and suggested that of Lala Lajpat Rai in his own place. For two years however, that is to say, in 1916 and 1917, Tilak was of course the leading figure at the annual Congress session and also at the special session held at Bombay.

It was practically on the eve of Tilak's departure for England for the prosecution of the Chirol case, that he was elected to the presidentship of the Congress, but he was of course unable to accept it for he was given a passport to England only for the Chirol case and it was not expected that he could find time to devote' to politics during his stay in England. He resigned it since it was of no practical use to him for some time. But he carried with him the capacity of the president of the Tilak Home Rule League and gave evidence to the Parliamentary Select Committee on Montague's Government of India Bill, as the Chirol case was disposed off and there was an open invitation by the British Government to all Indian political parties to send delegations to

England for the purpose. The last thing to be mentioned in connection with relations between Tilak and the Congress is the collection of a crore of rupees by Mahatma Gandhi' in the name of the Tilak Swaraj Fund, though it must also be mentioned that this Fund was spent on activities and propaganda to which Tilak could not be supposed to have given his cordial approval, namely the non-co operation policy and the cult of *Ahinsa* as a political weapon.

The Home Rule Movement

When Great Britain was involved in the First World War, Indian leaders like Tilak and Annie Besant decided to put new life in the national movement in the country. As the Englishmen did not like the word Swaraj and considered the same to be "seditious and dangerous," Tilak decided to use the term "Home Rule" in place of Swaraj as the goal of his movement. In December 1915, he had deliberations with his colleagues and on 28 April 1916 the Indian Home Rule League was set up with its headquarters at Poona. The object of this League was to "attain Home Rule or self—government within the British Empire by all constitutional means and to educate and organise public opinion in the country towards the attainment of the same." A similar Home Rule League was founded by Annie Besant on 15 September 1916 with its headquarters at Adyar near Madras.

The advocates of the Hone Rule Movement believed' in Constitutional methods and were opposed to violence and revolutionary agitation. The had no desire to embarrass the British Government which was fighting against Germany and Austria-Hungary. They were prepared to offer their cooperation to the British Government so that it could win the war. However, the believed that the great of Home Rule to India was in the interests of the British Empire in its war against Germany and Austria as she could then fight with greater moral force.

The year 1917 was an eventful year in the sense that the two Home Rule Leagues of Tilak and Annie Besant worked in co operation with each other. Tilak confined his activities to the Bombay presidency and the Central Provinces and the rest of India was left to Annie Besant. The branches of the Home Rule League were set up all over the country and there was a popular demand for Home Rule.

Tilak went on a whirlwind tour of the country in 1916 and appealed to the people to unite under the banner of the Home Rule League. His target was not the British Empire or the Emperor of India but the bureaucracy in India. In his public speeches, he declared emphatically that Home Rule was the only cure for India's political ills and grievances, that liberty was tile birthright of every man and that the aspiration to get one's liberty was the essence of human nature A small minority from outside India could not be allowed to rule the country arbitrarily.

Annie Besant also toured the country amid created a lot of enthusiasm among the people for the national cause. Her articles in the Commonweal and New India were very popular. C.Y. Chintamani says: "Annie Besant stirred the country by tile spoken as well as the written word, as scarcely as ally one else could do." Annie Besant's work was particularly among the Women of India who showed ''uncalculating heroism, endurance and tile selfless sacrifice of the feminine nature.

The British Government could not be expected to keep quiet in the face of a stir created by the Home Rule Leagues and their leaders and it decided to curb the activities of those leaders who were in the forefront of the movement. The existing statutes were tightened. There was already an ordinance to prevent tile entry of undesirable aliens into India. The Defence of India Act, 1915 superseded the ordinary criminal law of country and action under it could be taken against agitators. The provisions of the Indian Press Act 1910 were strictly enforced to stop the propaganda of the Home Rule Leaguers. Circulars were issued by which the students of schools and colleges were forbidden from taking part in the Home Rule Movement. In July 1916, Tilak was prosecuted for delivering seditious speeches and was ordered to furnish a personal bond of Rs. 20,000. Externment orders were served on him and he was ordered not to enter Delhi and the Punjab. Similar action was taken against Annie Besant. She was ordered to furnish security for her press and the *Commonweal* and *New India*. In all, she deposited Rs. 20,000 arid the whole that amount was forfeited by the Government. The Government also took action against

Annie Besant and her two associates, B.P. Wadia and G,S. Arundale. The Governor of Madras called Annie Besant for an interview and told her that she was to be interned. There was a lot of indignation all over the country against her intern Protest meetings were held all over the country at repression by the police was condemned.

NON-COOPERATION MOVEMENT

In the critical closing year of the war, the repressive policy of the British Government was becoming worse and worse. The Press Act was severely enforced. There were restrictions on Tilak and Mrs. Besant. In Bengal the number of youngmen interned ran upto nearly three thousand. There was great hardship and discontent, specially in the Punjab on account of recruiting and war fund activities of the Government.

The war had come to a close already when the Congress met at Delhi.in19 18 under the Presidentship of Pandit Madan Mohan Malaviva, The allies had been successful and the principle of self-determination had been declared b President Wilson, Llvod George and other statesmen. In the light of this situation, the Delhi Congress re-examined the position with regard to the Montague-Chelmsford scheme, demanding Dominion Status' and representation on Peace Conference, and nominating Lokmanya, Gandhiji and Hussan lmam as its representatives. The Congress also urged the withdrawal of all repressive laws.

But the demands of the Delhi Congress were not only unheeded but as 1919 showed-the Government having won the war, felt itself free now, to deal with the agitation and rebellion in India, in its own way. The Rowlatt Bills were introduced in February 1919 in the Supreme Legislative Council which provided for severe curtailment of civil liberties.

Gandhi Enters Active Politics

It was at this time that Gandhiji entered the field of Indian politics actively. He took the history decision to begin for the first time, a satygraha movement in the country to protest against the Rowlatt Act.

On the 18th March he published the pledge: "Being conscientiously of opinion that the Emil known as the Indian

Criminal law Emergency Powers Bill, No 2 of 1919, are unjust, subversive of the principals of liberty and justice and destructive of the elementary rights of an individual on which the safety of India as a whole and the State itself is based, we solemnly affirm that in the event of these Bills becoming law and until they are withdrawn, we shall refuse civily to obey these law and such other laws as the Committee, hereafter to be appointed, may think fit, and we further affirm that in the struggle we will faithfully follow truth and refrain from violence to life, person or property."

The 30th of March 1919 was fixed for a hartal, a day of fasting, penance and prayer, hut was changed to 6th April which can be called a red letter day in Indian history. The response of the people startled the Government, which flushed with victory, lost its head. There was firing at place. At Delhi, Swami Sharadhananda when threatened with shooting by British soldiers, bared his chest for the bullets. There were glorious scenes of Hindu-Muslim fraternisation. Swami Shradhananda was allowed to preach from the pulpit of Jamma Masjid. The country took to this new idea, as if they had been waiting for it, all along. A new chapter in the national struggle had begun. The happenings in the Punjab soon provided the immediate source of a deep and torrential flood of national awakening.

Punjab Atrocities

The story of the Punjab is toowell-known and remembered to be repeated in any detail. The Punjab has been the citadel of British Imperialism, recruiting ground of the army of occupation; and reaction-and ruthlessness has distinguished the Punjab Government policy ever since the beginning uptil the last days of British departure. The legacy of that policy still overclouds our outlook and the situation in the Punjab is still the tragedy and menace of our country. In 1919, the Punjab was ruled by a more forthright imperialist in the person of Sir Michael O'Dwyer who was determined to save the Punjab from contamination of political agitation elsewhere.

The Congress was to be held in Amritsar in 1919 and Sir Michael O'Dwyer sent for the local Congress leaders, Dr Kitchlew and Dr Satyapal to his house and they were spirited away to

unknown places. This was on the 10th April 1919. Crowds of people gathered and wanted to meet the District Magistrate to ask the where about of these popular leaders. There was firing and brickbats and the casualties made the people very agitated and the mob killed five Englishmen and burnt a bank and some other buildings. There were similar incidents at Gujeranwalla and Kasur and minor outbreaks elsewhere. Martial law was declared in the Punjab and same day.

Jallianwalla Bagh Massacre

On 12 April 1919, a proclamation was issued—by General Dyer, who had taken charge of the troops the day before, that no meetings or gatherings of the people were to be held. However, no steps were taken to see that the proclamation was brought to the notice of the people living in the various localities of the city. The result was that, it was announced on 12 April evening that there would be public meeting on 13 April 1919 at 4.30 p.m. in the Jallianwala Bagh. Neither General Dyer nor other authorities took any action to stop the meeting. The meeting started at the right time and there were about 6,000 to 10,000 people present in the meeting. All of them were practically unarmed and defenceless. The Jallianwala Bagh was closed practically on al sides by walls except one entrance. General Dyer entered the Jallianwala Bagh with armoured cars and troops. Without giving any warning to the people to disperse, he ordered the troops to fire and he continued to do so till the whole of the ammunition at his disposal was exhausted. At least one thousand persons were killed.

The contention of General Dyer was that he wanted to teach the people a lesson so that they might not laugh at him. He would have fired and fired longer, he said, if he had the required ammunition He h only fired 1,600 rounds because his ammunition had run out The regime of Dyer imposed some unthinkable punishments The water and electric supply of Amritsar were cut off Public flogging was common How ever, the "Crawling Order" was the worst of all

The news of events in the Punjab, suppressed at first soon sent a wave of horror and fury throughout the length and breadth of the country. This massacre proved to be a turning point in the

history of the freedom movement. For eight months the Government tried to draw a veil over the Punjab massacre. After the Congress had conducted and published an enquiry into the facts by a committee consisting of Gandhjji, Motilal Nehru, C. R. Das, Abbas Tyabji and Jaykar, and in face of widespread agitation the Government set up a committee under Lord Hunter. Inspite of the ugliest findings, this committee tried to whitewash and justify the perpetrators of the crimes, with mild regret. The House of Commons did not fail to glorify General Dyer and public subscriptions were raised in England to honour him.

GANDHIJI'S DECISION

Mahatma Gandhi had so far believed in the justice and fairplay of the British Government. He had given his full cooperation to the Government during the First World War, inspite of opposition from men like Tilak. But the tragedy at Jallianwala Bagh, the imposition of Martial Law in the Pun jab findings of the Hunter Committee in 1920 on the tragic events of the Punjab, completely shattered the faith of Mahatma Gandhi in the good sense of the Britishers. He, therefore, decided to start Non cooperation Movement. He felt that the old methods must be given up.

A special session of the Congress met at Calcutta from 4th to 9th September, 1920. Here Gandhiji himself moved the resolution on non-cooperation. He was opposed not only by the President elect, Lala Lajpatrai and by other stalwarts like Chittaranjan Das, but ultimately he carried the day. Pandit Motilal Nehru joined Gandhiji at once and gave up his practice. The resolution was carried by a majority of 1855 votes as against 873.

The country had now found a way to express its intese desire for freedom and a new atmosphere soon began to pervade it. The non-cooperation programme was to be finally discussed and ratified at Nagpur. An unprecedented of delegates attended the Nagpur session.

The Nagpur Congress really marked the new era in the Freedom movement The old feeling of impotent range and importunate request gave place to a new sense of responsibility and a self reliance Lalali and Deshbandhu came to oppose proposals but stayed to be converted.

The Nagpur Congress made Gandhiji the indisputedly supreme authority in the Congress and outside. Seasoned leaders like B.C. Pal and Malaviyaji, Jinnah and Khaparde, and stalwarts like C.R. Das and Lalaji were all won over. The Nagpur Congress also changed the creed of the Congress, "in such a fashion as to eliminate the declared adherence of that body to the British connection and to constitutional methods of agitation."

The Programme

The programme of the Non-Cooperation Movement was clearly stated in the non-cooperation resolution. It involved the surrender of titles and honorary offices and resignation from nominated posts in the local bodies. The non-cooperators were not to attend Darbars and other official and semi-official functions held by the Government *officials* or in their honour. They were to withdraw their children gradually from schools and colleges and establish national schools and colleges. They were to boycott gradually the British courts and establish private arbitration courts. They were not to join the army as recruits for service in Mesopotamia. They were not to stand for election to the Legislatures and they were also not to vote. They were to use *Swadeshi* cloth. Handi-spining and hand-weaving were to be encouraged. Untouchability was to be removed as there could be no *Swaraj* without this reform. Mahatma Gandhi promised *Swaraj* within one year if people followed his programme sincerely and whole-heartedly. Ahimsa or non-violence was to be strictly observed by the non-co-operators. They were not to give up Satya or truth under any circumstances.

The Non Cooperation Movement captured the imagination of the pet Both the Hindus and Muslims participated in it There was wholesale burning of foreign goods. Many student left schools and colleges and the Congress set up such national educational institutions the Kashi Vidyapeeth, Benares Vidyapeeth, Gujarat Vidyapeeth, Bihar Vidyapeeth, Bengal National University, National College of Lahore, Jamia Millia in Delhi and the National Muslim University of Aligarh. Seth Jamma Lal was declared that he would give Rs. one lakh a year for the maintenance of non-practising lawyers. Forty lakh volunteers were enrolled by the

Congress. Twenty thousand Charkhas were manufactured, The people started deciding their disputes by means of arbitration.

The non-cooperation movement had both a positive and a negative aspect. The positive aspect included the revival of hand-spinning and weaving, removal of untouchability, promotion of Hindu-Muslim unity and prohibition. The negative aspect fell into three parts: boycott of legislatures, courts, and government educational institutions. This boycott movement spread like wild fire. The Government tried to crush the movement by large-scale arrests, but this only helped to strengthen the movement.

In July 1921 the All India Congress Committee decided to counter the government policy of repression by not participating in the welcome to the Prince of Wales who was to visit India in November-December 1921. When the Prince of Wales came to India, he was "greeted" with *hartals* throughout the country. The Government persisted in the policy of repression; the Congress and the Khilafat Volunteers' Organisation were declared illegal and large numbers of Congress workers were put behind prison bars.

Civil Disobedience

Mahatma Gandhi was convinced that the only way to make the Government see reason was to start the civil disobedience movement and he decided to start the, same in Bardoli in Gujarat. The Congress Working Committee called upon the people of India to cooperate with the people of Bardoli "by refraining from mass or individual civil disobedience of an aggressive character, except upon the express consent of Mahatma Gandhi previously obtained." Mahatma Gandhi wrote to the Viceroy and gave 7 days to accept his demands. The Viceroy held, the Congress responsible for all the lawlessness in the country. Mahatma Gandhi was left with no alternative but to launch the civil disobedience movement.

Unfortunately, at this time, the tragedy of Chauri Chaura occurred which changed the course of Indian history. What actually happened was that a mob of 3,000 persons killed 25 policemen and one inspector on 5 February, 1922. Similar tragic events had already occurred on 17 November, 1921 in Bombay and on 13 January 1922 in Madras. This was too much for Mahatma Gandhi

who stood for complete non-violence. The result was that Mahatma Gandhi gave orders for the suspension of the Non-cooperation Movement at once. The Goverment was not satisfied with this action of Mahatma Gandhi and the Congress. It was feared that Mahatma Gandhi was out for a bigger trouble and conseq-uently he was arrested on 13 March,1922. His trial began in Ahmedabad and he pleaded guilty. He took upon himself full responsibility for the occurrences in Madras, Bombay and Chauri Chaura and told Mr. Broomfield, the British judge, that he would "do the same again" if he was set free. He was sentenced to 6 years' imprisonment.

The action of Mahatma Gandhi in suspending the movement was severely criticised from many quarters. According to Dr. Pattabhi Sitaramayya, "Long letters were written from behind the bars by Pt.

Motilal Nehru and Lalà Lajpat Rai They took Gandhi to task for punishing the whole country for the sins of a place."

Dr. R.C. Majumdar says that the most outstanding feature of the Non-cooperation Movement was the willingness and ability of the people in general to endure hardships and punishments inflicted by the Government. It is true that the movement collapsed but the memory of its greatness survived and was destined to inspire the nation to launch a more arduous campaign. The movement served as a baptism of fire which initiated the people to a new faith and new hope and inspired them with a new confidence in their power to fight for freedom. As a result of this movement, the Congress movement for the first time became a really mass movement. The national awakening not only penetrated to the people at large but also made them active participants in the struggle for freedom. Moreover, the Indian National Congress was turned into a genuine revolutionary organisation. It was no longer a deliberative assembly but an organised fighting party pledged to revolution.

The Swarajist Party

When C. R. Das and the other Bengal leaders were in Alipore Cenral Jail, they evolved a new programme of non-cooperation with the Government through legislatures. Their idea was to enter

the legislatures in large numbers and "carry on a policy of uniform, continuous and consistent opposition to the Government." Motilal Nehru also shared the views of C.R. Das. In July 1922, C.R. Das came out of jail and began to carry on propaganda in favour of Council-entry.

When a meeting of the All-India Congress Committee was held at Calcutta in November 1922, there were differences of opinion among the Congress leaders on the question of Council-entry. While C,R. Das, Motilal Nehru and Hakim Ajmal Khan were in favour of it, C. Rajagopalachari, Dr. Ansari, etc., were opposed to it. In spite of lengthy debates, no decision was arrived at. At the annual session of the Congress held at Gaya in December 1922, the "No-changers" won a victory and the programme of Council-entry was rejected. C.R. Das who presided over the session resigned from the Congress and announced his decision to form the Swarajist Party. The Object of the new party was to wreck the Government of India Act, 1919 from within the Councils. In March 1923, the first Conference of the Swarajist Party was held at the residence of Motilal Nehru at Allahabad and the future programme of the Party was decided. The keynote of the programme of the Party was obstructionism.

Its members were to contest elections on the issue of the redress of the wrongs done by the British bureaucracy, to oppose every measure of the Government and to throughout all legislative enactments proposed by the British Government. This view of the Swarajists was that the seats in the legislatures must be captured so that they did not fall into the hands of undesirable persons who were tools in the hands of the bureaucracy in India. The leaders of the Swarajist Party declared that outside the Councils, they would co operate with the constructive programme of the Congress under the leadership of Mahatma Gandhi and in case their methods failed, they would, without any hesitation, join Mahatma Gandhi's civil disobedience movement if and when launched by him.

The Swarajist Party fought the elections in 1923 and refused to come to any understanding with the Liberal Federation. The Swarajist Party won a majority in the Legislative Council of the Central Provinces. It was the dominant Party in Bengal. It also won good support in U.P. and Bombay. However, the Swarajist

party was at its best in the Central Assembly under the leadership of Motilal Nehru. By winning over the support of the Nationalist Party and a few other members, the Swarajist Party was able to command a working majority and was thus able to accomplish a lot. On 18 February, 1924, the Swarajist Party was able to get a resolution passed by which the Government was requested to establish full responsible Government in India. A demand was also made that a Round Table Conference consisting of the representatives of India should be called at an early date to frame a Constitution for India.

The appointment of the Muddiman Committee was the result of a resolution of the Swarajist Party. Motilal Nehru was requested to become a member of this Committee but he refused. Some of the demands in the budget of 1924-25 were rejected by the Central Assembly as a result of the efforts of the Swarajist Party. The Assembly also refused to allow the Government to introduce the entire Finance Bill. In February 1925, V.J.Patel introduced a Bill asking for the repeal of certain laws and with the exception of one, the Bill was passed. A resolution was passed with the help of the Swarajist Party demanding the release of certain political prisoners. The Swarajists resorted to walkouts as a mark of protest against the policy of the Government. They boycotted all receptions, parties or functions organised by the Government. What was done in the Central Assembly was also done in those provincial legislatures where the Swarajists had some influence.

According to R. C. Majumdar, the Swarajist Party rendered a signal service to the country. For the first time, the Legislative Assembly wore the appearance of a truly National Assembly where national grievances were fully voiced, national aims and aspirations expressed without any reservation and real character of the British rule exposed. The British autocracy and Indian bureaucracy stood exposed to the whole world.

Simon Commission and Nehru Report

The Government of India Act, 1919, had provided that a review of the constitutional position would be made after ten years. However, the British Government appointed Royal Commission headed by

SirJohn Simon in 1927, two years ahead of time, to go into the question of constitutional reforms. This Commission did not contain any Indian members; its all-white composition was treated by the people of India as an to national dignity. When Simon landed in Bomb he was treated with black flags and shouts of "Simon, go back", and there was a countrywide hartal. Anti-Simon, demonstration took place all over the country anti Lala Lajpat Rai, the "Lion of Punjab", was struck with lathi blows of the police, and he died soon afterwards.

The Congress, on the other hand, appointed an all-parties Committee to draft a new Constitution for India. As a result, there emerged a report which, drafted under the chairmanship of Motilal Nehru, was called the Nehru Report. The Nehru Report marked a watershed in the constitutional thinking of Indian nationalists. The Nehru report came up before the Calcutta Congress for approval. At the Cakutta Session of the Cohgress held in 1928, it was intended to pass a resolution declaring complete independence as the goal of India. However, Mahatma Gandhi. intervened and Dominion Status was declared to be the goal of India. Mahauna Gandhi gave the assurance that he himself would lead the movement for independence if by the end of 1929 the British Government did not confer Dominion Status on India. The year 1929 had been a year of waiting.

INDEPENDENCE PLEDGE

When the Congress leaders met on the banks of the river Ravi, near Lahore, in 1929 they were disappointed over the attitude of the British Government. Leaders like Jawaharlal Nehru, Subhash Chandra Bose and Srinivas Iyengar asked for bold action against the Government. In his presidential address Jawaharlal Nehru condemned British imperialism, Kings and Princes and declared himself to be a socialist and a republican. He called upon the leaders assembled there to take strong action in these words: "Talking of high stakes and going through great dangers were the only way to achieve great things." He declared that complete independence should be the goal of the Congress. Mahatma Gandhi also approved of that goal but he did not like to precipitate matters. A resolution was passed that the word Swaraj in the Congress

Constitution means "complete independence." All Congressmen taking part in the National Movement were asked not to take part, directly or indirectly, in future elections and the sitting members were asked to resign their seats. The All India Congress Committee was authorised to launch a programme of civil disobedience including the non-payment of taxes. On midnight of 31 December 1929, as the new year was ushered in the Tricolor Flag of Puma Swaraj was hoisted on the banks of the river Ravi by the Congress President, Jawaharlal Nehru.

26 January 1930 was declared Independence Day and a pledge was taken by the people of India on that date and the same independence pledge was repeated year af year. The Independence pledge began with the words: "We believe that it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life so that they may have full opportunity for growth. We believe also that if any Government deprives a people of these rights and oppresses them, the people have further right to alter it or abolish it. The British Government of India has not only deprived the Indian people of their freedom but has ruined India economically, politically, culturally and spiritually".

SATYAGRAHA ERA

PURNA SWARAJ celebrations throughout the county on 26thJanuarv, 1930, in the wake of the famous Lahore Session, revealed the pent-up feelings, enthusiasm and readiness of the people for sacrifice. The independence pledge had rekindled the smouldering fire and a new upsurge was in the offing.

It was iii this atmosphere that All India Congress Working Committee met in February at Sabarmati and authorised Gandhiji to start Civil Disobedience Movement at a time and 1 of his choice.

It was not yet clear what would be the programme of action. Gandhiji's strategy was not dear even to his closest associates. But the country had unbounded faith in Gaudhiji's leadership. Earlier he had made his 11-point demand on the Victory and had offered inspite of every thing that had happened, to call of T Civil Disobedience. These points included total prohibition, reduction of Rupee ratio to Is. 4d. reduction of Land Revenue by half,

reduction of all Military expenditure by half, protective Tariff on foreign cloth, relaxation of the Arms Act for self-defence and abolition of Salt Tax.

It soon became known that Salt Tax was to he chosen for (tired action campaign. This, when it started, appeared fantastic and ridiculous to time Moderates amid the Government. But soon the country was ablaze with the mighty movement that is remembered with pride ''In it one might have said, the progress of a thousand ears was encompassed within the events of a year."

Gandhiji was to start on Dandi March to take possession of the salt deposits of the Government-Salt Depot in the seashore. Before starting this march, Gandhiji, sent a letter to the Viceroy apprising him of his plan. This letter, sent through Mr. Reginald Reynolds, an Englishman Ashramite, gave a tale of India's ruination, poverty and serfdom under the British Raj, and demanded redress on the lines of the 11 points. If, however, no redress came, "On the 11th day of this month. shall proceed, with such co workers of the Ashram as I can take, to disregard the provisions of the Salt Laws. I regard this tax to be the mast iniquitous of all from the poor man's standpoint. As the Independence movement is essentially for the poorest in the land, the beginning will be made with this evil, The wonder is that we have submitted to the cruel monopoly for so long. It is, I know, open to you to frustrate my design by arresting me. I hope that there will be tens of thousands ready, in a disciplined manner, to take up the work after me, and, in the act of disobeying the Salt Act, to lay themselves open to the penalties of a Law that should never have disfigured the Statute Book."

The Victory's reply to this ultimatum came back quickly, and was unequivocal. His Excellency expressed his regret that Mr. Gandhi should have been "Contemplating a course of action which was clearly bound to involve violation of the law and danger to the public peace."

Gandhiji wrote, "On bended knees I asked for bread and received the stone instead English Nation responds only to force, and I am not surprised by the Viceregal reply. The only public peace the Nation knows is the peace of the public prison. India is a vast prison-house. I repudiate this (British) Law and regard

it as my sacred duty to break the mournful monotony of compulsory peace that is choking the heart of the Nation for want of free vent."

HISTORIC MARCH TO DANDHI

Gandhiji began his march at 6.30 a.m. on 12th March, 1930 accompanied by his 79 Ashramites. It was a historic scene, calling back to our minds, the old legends coupled with the names of Shri Rama and the Pandavas. Motilal Nehru compared it to the march of Shri Rama Chandrato Sri Lanka. C.F. Andrews regarded it as Moses leading the exodus of Israelities. Americans compared the epic march to Lincoln's decision to maintain the Union and his sending troops to the southern States. And all this by one frail unarmed man at 61, challenging the then strongest empire.

The March was widely reported and anxiously watched all over the country. Each day added to the fervour and enthusiasm. 300 Village officers tendered their resignations from the area through which Gandhiji passed. Gandhiji had said earlier "Wait till I begin. Once I march to the place, you will know what to do." He had a clear vision of this scheme of resistance when others were in the dark.

Government had not yet arrested Gandhiji but Sardar Vallabhbhai and some other leaders had already been put in jail.

The road was watered, the path was strewn with flowers and leaves and decorated with flags and festoons. Crowds gathered everywhere to witness the march and pay homage to this strange army and its general. Gandhiji preached his old Gospel along the route. Khaddar, abstinence from drink and removal of untouchability were the three favourite themes, but he also enjoyed that all should join the Satyagrahis. During the march he declared that he would either die on the way or else keep away from the Ashram until Swaraj was won. Gandhiji' s march lasted 24 days. They had traversed a distance of 200 miles. All along he was emphasising that the march was a pilgrimage, a period of penance not to be spent in feteing and feasting.

On the morning of April 5th, Gandhiji reached Dandi. Soon after the morning prayers, Gandhiji and his volunteers proceeded

to break the Salt Law by picking up the salt lying on the seashore. Immediately after this Gandhiji issued a press statement: "Now that the technical or ceremonial breach of the Salt Law has been committed, it is now open to anyone who would take the risk of prosecution under the Salt Law to manufacture salt wherever.he wishes, and wherever it is convenient."

ARREST OF GANDHIJI

The country had been held back and was now ablaze from end to end, being permitted to start salt satyagraha as from the 6th of April, the national week. Huge public meetings were held in all big cities, the audience running up to six figures. The events at Karachi, Shiroda, Ratnagiri, Patna, Peshawar, Calcutta, Madras and Sholapur constituted a new experience in self-sacrifice and also laid bare the mailed fist of the British Government. There were military firings, lathi charges and arrests. Special Ordinances were promulgated to suppress the movement The press was stricken hard Gandhiji had been guiding the movement through his speeches and his *Navjivan* all along The Government had expected the movement to fizzle out if Gandhiji was left alone Gandhiji then drafted his second letter to the Viceroy announcing his intention of raiding the salt works of Dharsana and Chharsada Then came the time for the arrest of Gandhiji It was ten past one in the night when he was placed in a police car and taken to Yerwada prison.

Mr Ashmead Bartlett of the London Telegraph wrote: "There was something intensely dramatic in the atmosphere while we were waiting for the train, for we all felt we were sole eye-witnesses of a scene which may become historical, this arrest of a prophet, false or true for, false or true, Gandhi is now regarded as a holy man and a saint by millions of Indians Who knows whether one hundred years from now he may be worshipped as a supreme being by 300 million people We could not shake off these thoughts and it seemed incongruous to be at a level-crossing at dawn to take the prophet into custody."

Before the arrest, however, Gandhiji had dictated at Dandi his last message advising on what was to be done. In this he had said, "After I am arrested, neither the people nor my colleagues should be daunted The conductor of this fight is God and not I" "Whole

villages should come forward to pick or manufacture salt Women should picket liquor and opium shops and foreign cloth shops In every house young and old should begin spinning on takli and heaps of yarn should be daily woven. There should be bonfires of foreign cloth. Hindus should regard none as untouchables. Hindus, Muslims, Parsees and Christians, all should heartily embrace one another. The major communities should be satisfied with what remains after satisfaction of minor communities. Students should leave Government schools, and Government servants should resign and be employed in the service of the people, like the brave Patels and Talatis who have resigned. Thus shall we easily complete Swaraj."

AFTER THE ARREST

Gandhiji's arrest was followed by demonstrations from one end of the country to the other. It was the signal for voluntary and complete Hartals in Bombay, Calcutta and several other places. The whole city of Bombay was astir with the huge procession and several public meetings About 50,000 men had struck work in the mills. Railway Workshops had to be closed. Cloth merchants decided on a 6-day hartal. Resignations from Honorary officers and services were announced at frequent intervals. There were serious disturbances at Sholapur and in Calcutta.

Gandhiji's arrest had raised a worldwide protest There were sympathetic hartals among Indian businessmen in places as far wide as Panama, Sumatra and the boycott movement was a matter of concern to the press in England, Germany and France In America an influentially signed message was cabled to Mr Ramsay Mecdonald by prominent clergymen led by Dr John Hayne Holmes

CIVIL DISOBEDIENCE EXTENDED

Mr Abbas Tayabji took up Gandhiji's place as Leader of the salt satyagra his but was soon arrested Arrests, lathi charges and repression was let loose in towns and villages but was met with an increasing tempo of resistance by the people After Gandhiji's arrest, the Working Committee met in May at Allahabad and extended the scope of Civil Disobedience. It called upon the entire nation to make all sacrifices that they were capable of. Boycott of

foreign cloth throughout the country was to be completed without delay and production of Khadi was to be intensified. Contraband salt manufacture was to be extended. Forest Laws were to be disobeyed. Foreign cloth was to be boycotted. British goods including British banking, insurance, shipping and similar other institutions were to be boycotted. Lastly, "The Committee is of opinion that the time has arrived for the in of No-tax campaign by non-payment of special taxes in certain Provinces, and that a beginning should be made by non payment of the land tax in the Provinces were the ryotwari system prevails, such as Gujarat, Maharashtra, Karnatak, Andhra, Tamil Nad and the Punjab, and the non-payment of the Chowkidari tax in Provinces like Bengal, Bihar and Orissa. It calls upon such Provinces to organize campaigns of non-payment of the land tax or Chowkidari tax in areas selected by, the Provincial Congress Committees."

DHARSANA RAID

After the arrest of Mr. Tayabji, Shrimati Sarojini Naidu was to direct the raid at Dharsana. She was also arrested with her batch of volunteers. Batches of volunteers-later rushed towards the salt depot. They were beaten and chased out. The same evening another batch of 220 volunteers were arrested. Fresh batches of volunteers congregated arid more salt raids took place. A mass raid at Dharsana took place on the 21st May when 2,500 volunteers participated. They w. led by Imam Saheb the 62 year old colleague of Gandhiji in South Africa, The volunteers commenced the raid early in the morning and as they attacked the salt heaps at different places, the Police would charge them with lath and beat them back. The Imam Saheb and other leaders were arrested. Hundreds of volunteers were injured, some of them fatally. As they were removed to Hospitals or prison camps by the Police, fresh batches came to Dharsana-to take their places.

WADALA RAIDS

A succession of raids were also made on the Wadala salt depot and hundreds of volunteers took part in them. But-the most demonstrative raid took place on the 1st June. On the morning of the first, nearly 15,000 volunteers and others participated in a

mass raid at Wadala. Successive batches marched up to the-port Trust level-crossing and were held up by a police Cordon. Soon the raiders among whom were women children broke through the Cordon, splashed through slime and mud and ran over the pans The-raiders were repulsed by the Police who were acting under immediate supervision of the Home Member. Such mass raids took place in other parts of the country also. The way these raids were dealt with by the Police raised public indignation to high pitch. Mr. Webb Miller writing to the 'New Freeman-expressed abhorrence of the sights at Dharsana:-

"In eighteen years of reporting in twenty-two countries, during which I have witnessed innumerable civil disturbances, riots, street fights and rebellions, I have never witnessed such harrowing scenes as at Dharsana. Sometimes the scenes were so painful that I had to turn away momentarily. One surprising feature was the discipline of the volunteers. It seemed they were thoroughly imbued with Gandhi's don-violence creed."-

CIVIL DISOBEDIENCE SPREADS

The Civil Disobedience movement assumed various aspects and was carried with varying success in different Provinces. The boycott of foreign cloth had become more effective. The business community in Bombay including the mill owners rendered enthusiastic support. Bombay was the chief centre and guide for the rest of the country. The movement was of revolt and defiance of the British authority on the one hand and constructive work for the masses on the other. Boycott of cloth was coupled with khadi. Prohibition took the shape of cutting down all Toddi trees and picketing all wine shops. Suppression of the newspapers was met with by innumerable cyclostyled news-sheets. There were processions and meetings in defiance of the Police.

The repression that was let loose to subdue this new spirit and situation was also diverse in shape and mounting to new heights in severity. The Working Committee of the Congress was declared unlawful and Pandit Motilal Nehru arrested.

The repression, however, served to intensify the movement specially its boycott aspects. The volunteer organizations in Bombay became more thoroughgoing. Women came to be front. Braving

the sun and rain, and lath is and arrests these tender girls and women, made picketing very effective at the liquorshops and cloth shops. When a shopkeeper would not stop to sell his goods, his wife or daughter would go and picket his shop. The young and old women brought up in the seclusion of their homes had rallied to the call and found a new world in the sacrifice and suffering for the country. Their participation was electrifying in its effect, and incidentally brought them a new social emancipation in the process.

Incidents of heroism and names of places and persons that specially distinguished themselves in those glorious days are too numerous to be commemorated. We can but make mention of a few.

At Peshawar the Pathans once notoriously blood-thirsty and valiant, had been transformed into a non-violent people under the leadership of Khan Abdul Gaffar Khan affectionately called the Frontier Gandhi. They gave an account of themselves which has become a legend for the whole country. There were serious cases of firings at Peshawar, but the spirit of people remained totally unsubdued. At one time as the leader of the procession was shot down by the military police, another came to take his place and was shot down to be replaced by a third till there were several casualties in cold blood.

Another incident co with Peshawar fills one with pride. There was a wholesale firing on the unarmed crowds. Two Platoons of the second battalion of the 18th Garhwali Rifles, Hindu troops, in the midst of a Muslim crowd, refused the order to fire and fraternised with the people. A court-martial imposed savage sentences on 17 men of Garhwali rifles. One was given life transportation, another 15 years rigorous imprisonment and rest terms varying from 3 to 10 years. This incident infused a new spirit among the people. From April 25th to May 4th Peshawar was in the hands of the people and had to be recaptured by powerful British forces with Air Squadrons.

In Bengal for some months, the district of Midnapore appeared to be beyond the reach of the Bengal Government. The revolutionary party, disagreeing with Gandhiji's non-violence were also active. The armoury raid in Chittagong, which even Gandhiji

had to admit was a "daring deed", electrified the country. There were news, carried by the illicit hews-sheets and emissaries, of a strange new life and existence, in villages and towns. Young and old, men and women cheerfully braved the Police lathis, squatted on the road in passive resistance for hours on end when processions were blocked, and the satyagrahis were accompanied and seen off to jails with flowers and celebrations, by families and Friends. At Bombay a boy named Babu Ganno stood across a Police lorry at the Kalbadevi Road to prevent its progress and was crushed under it.

BARDOLI ONCE MORE

In Gujarat, the great event was no-tax campaign successfully carried out in Bardoli and Borsad Talukas. The oppression by the authorities and the resistance of the peasantry was so great that 80,000 people left their homes and migrated to villages in the neighbourhood of Baroda State. Mr. Brails ford has given a description of the exodus, part of which is given below: "And then began one of the strangest migrations in history. One after another, acting with a unanimity of which only Indians with their tight caste organisations are capable, these villagers packed their belongings into their bullock carts and drove them across the border into Baroda. A few even burned the rich crop which they were too late to remove. I visited one of their camps. They have built. Temporary shelters with matting for walls and palm leaves on sacking for a roof.

The rains are over; they will suffer no grave hardship till May. But they are crowded together with their beloved cattle, and packed in the narrow space are all their notice hold goods, the great jars in which they store their rice, cloth and chums, chests and beds, shining pots of brass, here a plough, there a picture of the gods, and everywhere, at intervals, the presiding genius of this camp a photograph of Mahatma Gandhi. I asked a big group of them why they had left their homes. They women gave the promptest and simplest answer, "Because Mahatmaji is in prison." The men were still conscious of an economic grievance; "farming does not pay, and tax is unjust." One or two said, "To win Swaraj" or Self-Government. "I spent two memorable days touring the

deserted villages is company with the Chairman of the Congress organization of Surat. One passed row after row of the padlocked cottages, and through the bars of the windows one could see only empty rooms. The streets were silent lakes of sunlight. Nothing moved until a monkey swung himself over a roof."

The heroic incident of the women of Borsadh may also be mentioned here. On the 21st January 1931 a demonstration was to be staged at Borsad. The Police determined to counter this demonstration, tried to over-awe the volunteers. The women of Borsad showed fearless resistance. Their pots were broken. They were dispersed by force, thrown down and the Police trod upon their chests with boots.

The Police spared, and respected nobody. S. Vallbhabhai's own mother aged over 80 was cooking her food and the boiling pot was knocked down by the Police. United Province was the only province where a general no-tax campaign was inaugurated. Both the Zamindars and tenants being called upon to withhold payment of rent and revenue.

In Bihar, the Chowkidar tax was withheld in large areas, The Province suffered to the full from the imposition of punitive police and confiscation of large properties in lieu of petty sums. In the Central Provinces various satyagrahis were successfully launched and continued inspite of the heavy finese and police excesses. Karnatak also organised no-tax campaign in which more than 800 families participated.

The Punjab gave a good account of itself, specially in the boycott of foreign cloth. Women picketers including Muslim ladies took part. Siapa-mock funeral wailing was practised on the houses of those who would sell foreign cloth. On 31st December, 1931, the anniversary of the independence resolution was celebrated. At Lahore Subhas Chandra Bose who had been released from jail after serving a year's term, was severely beaten while marching in a procession.

This harrowing tale and the epic of this glorious time in the national struggle constitutes the most memorable days of our freedom struggle. As to the fall-out of the civil disobedience movement of 1930, Louis.Fischer writes. "Gandhi did two things

in 1930. He made the British aware that.they were cruelly subjugaating India and he gave Indians the conviction that they would, by lifting their heads and straightening their spines, lift the yoke from their shoulders. The British beat the Indians with batons and rifle buts. The Indians neither avenged nor complained nor retreated.. That made England powerless and India invincible."

GANDHI-IRWIN PACT AND FIRST ROUND TABLE CONFERENCE

While the Civil Disobedience Movement continued vigorously in spite of untold repression, efforts were made for a compromise and after several attempts of Sir Tej Bahadur Sapru and Mr. M.R. Jayakar, an agreement was reached after 15 clays' strenuous discussions between the Viceroy and Mahatma Gandhi. This agreement, better known as the Gandhi-Irwin Pact, was signed on 5 March, 1931. Under the agreement, the Government was to make concession take stops for the participation of the representatives of Congress in the Second Round Table Conference, and the Congress on part, its had to withdraw the Civil disobedience Movement.

Meanwhile, a Round Table Conference had met in London early 1931. The intention seemed to have been, to set off the stage, before the world of "repres entative gathering" of Indians trying for an agreed plan for the future government of their country. It was not Indians, but the Viceroy and his officials who chose these representatives. What they actually did was' to carefully assemble all the diverse elements, every creed, every party, every racial minority, every interest in this subcontinent. They collected-princes, princesses, untouchables, Christians, Sikhs, Muslims, Hindus, land-lords, commercial magnates, official representatives of Labour, but the true representatives of he country, the Leaders of the Congress, were not there. They were enjoying hospitality in jails.

The spirit in which the Gandhi-Irwin Pact was signed did not last long. In spite of protests from all quarters, the Government carried out the execution of Sardar Bagat Singh, Sukh Dev and Raj Dev and Raj Guru on 23' March '1931. On 18 April 1931, Lord Irwin was succeeded by Lord Willington. The new Viceroy had no intention to abide by the terms of the Pact.

SECOND ROUND-TABLE CONFERENCE

In the meantime, however, the Congress Working Committee passed a resolution that Mahatma Gandhi should represent the Congress at the Second Round Table Conference to be convened later in193 1 in London. Mahatma Gandhi did attend the Conference as the sole representative of the Congress. As was expected, the communal question and the differences among the Indian people loomed large in this conference and all efforts to solve it by consent proved unsuccessful. Gandhiji put up a valiant light and some of the speeches he delivered were most striking. Speaking on the Congress that he represented, he said: "I am but a poor humble agent acting on behalf of the Indian National Congress, which is, if lam not mistaken, the oldest political organisation we have in India It has had nearly 50 years of life during which period it has, without any interruption, held its annual session. It is what it means-National. It represents no particular community, no particular class, no particular interest It claim to represent all Indian interests and 411 classes It is a matter of the greatest pleasure to me to state that it was first convinced in an English brain, Allan Octavian Hume. It was nursed by two great Parsees, Pherozeshah Mahta and Dadabhai Naoroji, whom all India delighted to recognise as its Grand Old Man. From the very commencement, the Congress had Mussalmans, Christians, Anglo-Indians, I might say all religious, sects, creeds, represented upon it more or less fully. The late Budruddin Tyabji identified himself with, the Congress. We have had Musalmans as Presidents of the Congress, and P too. We have had women as our Presidents; Dr. Annie Besant was the first, and Mrs. Sarojini Naidu followed.

"The Congress ha from its very commencement taken up the cause of the so-called 'untouchables'. Just as the' Congress considered Hindu-Muslim unity, thereby meaning unity amongst all the classes, to be indispensable for the attainment of S so also did the Congress' consider the removal of the curse of untouchability as an indispensable condition for the attainment of full freedom.

"Above all the Congress represents, in its essence, the dumb semi-starved millions scattered over the length and breadth of the

land in its 7,00,000 villages, no n whether they come from what is called British India, or what is called Indian India.

"One word more as to the so-called untouchables," said he, "I can understand the claims advanced on behalf of other communities, but the claims advanced on. behalf of the 'untouchables' are to me the unkindest cut of all. It means a perpetual bar sinister. We do not want the 'untouchables' to be classified as a separate class. Sikhs mayremain such in perpetuity, so may Muslims and Christians. Will the untouchables remain untouchables in perpetuity? I would far rather that Hinduism died than that untouchability lived. Those who speak of the political rights of untouchables do not know India and do not know how Indian society is constructed. Therefore, I want to say with all the emphasis I can command that if I was the only person to resist this thing, I will resist it with my life."

Apparently the Government's scheme at the Round Table Conference was only a scheme for Indians sharing power with the beaurocracy and not one designed to achieve responsible Government. "I wish them well and the Congress is entirely out of it. The Congress will wander," said Gandhiji, "no matter how many years, in the wilderness, rather than bend itself to a proposal under which the hardy tree of freedom and Responsible Government can never grow." An impasse had developed over the communal question.

When the conference concluded on the first of December, Gandhiji proposed the vote of thanks to the chair and pointed out that they had come to the parting of ways and that their ways would take different directions. He said, "the dignity of human nature is such that we must face the storms of life. I do not know in what direction my path would lie. But it does not matter to me. Even though I may have to go in an exactly different direction, you are still entitled to a vote of thanks from the bottom of my heart."

Gandhiji returned empty-handed from the Round Table Conference. The condition on which the Congress had agreed to participate, abandonment of stark repression, was also being broken. Jawaharlal Nehru and T.A.K. Sherwa ni had been arrested and put in jail again. In the North West Frontier Province Khan

Abdul Gaffar Khan and Dr. Khan Saheb were also arrested. Special Ordinances had been enforced in the United Provinces, the North West Frontier Province and in Bengal.

CONGRESS DECLARED UNLAWFUL

Gandhiji had strictly warned the Congressmen not to initiate any aggressive campaign but not to suffer any insults to national self-respect. The truce period had been the period of preparation on the part of the Government for renewed hostilities. The Working Committee severely condemned the atrocities and the terrible losses and indignities inflicted on innocent people in pursuance of the policy of terrorism. The President of the Congress that year, Sardar Vallabhbhai Patel, had addressed the Government on several occasions with no result. Gandhiji asked the Viceroy for an interview but was refused. The beaurocracy now wanted to teach the Congress a lesson. Gandhiji was arrested on January 4, 1932, and the principal Congress leaders all over the country were simultaneously put in jail. Congress was declared illegal. Their funds, premises and property confiscated, their press was banned. Ready made ordinances were broght forth and enforced.

The Congress and the country took up this ruthless challenge. By March 2nd, 1932 already there were 80,000 arrests. By April they rose to 1,20,000. Repression, this time, also exceeded by far the level of 1931. There were wholesale shootings and violence. Enormous fines on persons and villages and seizure of lands and property along with arrests, were made. The Government had contemplated that the movement would be over in six weeks time but it was not before 29 months that the fight had to be given up.

During this period, in spite of precautions taken by the Government and in face of ruthless prosecutions, the annual session of the Congress was held in brief electrifying hours at Delhi and in Calcutta.

GANDHIJI'S EPIC FAST

In September 1932 Gandhiji declared a fast unto death, to undo the provisions of the Communal Award of Ramsay McDonald, the then British Prime Minister, providing for the scheme of separate representation for the depressed classes, since

that would yivisect Hinduism. In May, 1933 Gandhiji undertook another last not against the Government but "for purification of myself and my associates and for greater vigilance and watchfulness in connection with the Harijan cause." The president of the Congress in consultation with Gandhiji announced the suspension of the Civil Disobedience movement for 6 weeks. In July l9 asked for interview with the Viceroy which was refused.. The Government, however, continued its course of repression Gandhiji who was later released decided to devote his Lime to Harijan work.

The struggle was finally suspended by the All India Congress Committee who were allowed to meet at Patna and decided to call off the Civil Disobedience unconditionally, except for the provision that Gandhiji alone, when he thought. it necessary, could offer Civil Disobedience.

Gandhiji decided to start an individual Civil Disobedience movement, as from 1 August 1933, but he was arrested the previous night. He was released after a couple of days but was ordered to reside at Poona. Gandhi disobeyed this order, was re-arrested and sentenced to. one year's imprisonment. Thereupon hundreds of Congressmen followed Gandhiji to prison. This movement continued till the early part of April; 1934.

Throughout this period the government continued to pursue a policy of severe repression which included imprisonment, police firing, beating in lock-up, shooting of detenus, atrocity on women, blockading of villages, and even looting and pillage.

During the Civil Disobedience movement of 1930-31, more than 60,000 persons were imprisoned and during the Second Civil obedience movement of 1932-34 the.number of persons who courted arrest were, about 66,000. The programme or the boycott of British goods which was part of the movements led to a substantial fall in the import of British goods into India. Further, the Civil Disobedience movements roused the India people in general, including villagers and women folk. Women rarely came out of the seclusion of their homes in order to the part in take struggle for freedom. This not only gave an inpetus to the freedom movement, but also helped in bringing out another social revolution: the emancipation of women.

When the Civil Disobedience movement came to an end in April, 1934, Gandhiji appealed to Congressmen to devote themselves a nation-building activities: promotion of Hindu-Muslim unity, removal of untouchability, and spread of hand-spinning.

THE SECOND WORLD WAR AND THE CONGRESS

The Second World War began on 1st September, The Second World War 1939. Two days later, the Viceroy of India declared war against Germany without consulting or taking into confidence the Indian leaders. Indian troops were sent to the various theatres of war for the defence of the British Empire. Congress Reaction After having done all this, the Victory started consultations with the Indian leaders. The Working Committee of the Congress met at Wardha in September, 1939 and after prolonged deliberations, a resolution was adopted in which it was declared that if the war was "to defend the status quo, imperialist possessions, colonies, vested interests and privileges, then India could have nothing to do with it. If, however, the issue was democracy and a world based on democracy then India is intensely interested in the maintenance and extension of it. If Great Britain was fighting for democracy, then she must necessarily end imperialism in her own possessions and establish full democracy in India." The British Government was called upon to declare its war aims "in regard to democracy and 'imperialism" and also to declare whether those aims were "going to apply to India and to be given effect to at present."

Almost a year later, another resolution was passed by the Congress at Ramgarh in which an offer of co-operation in the war was made provided India's demand for independence was conceded and a provisional National Government responsible to the then Central Assembly was formed at the Centre. On 8th August, 1940, the Viceroy issued a statement in which it was declared that the new Constitution of India would primarily be the responsibility of the Indians themselves. However, it was made contemplate transfer of their clear that Great Britain "could not present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by

large and powerful elements in India's national life, nor could they be parties to the coercion of such elements into submission of such a Government." It was also declared that after the war a "representative Indian constitution-making body would be set up and the Indian proposals as to its form and operation would at any time be welcome." The Congress was wholly disappointed with this offer.

INDIVIDUAL SATYAGRAHA

In September, 1940, the AICC resolved, that the self imposed restraint of the Congress could not be carried to the extent of self-extinction. It was decided to launch Satyagraha in support of the modest demand and the issue of freedom of speech. On October 17, individual satyagraha commenced and Vinobha Bhave was the first nominee. Pandit Nehru was to follow him but was arrested on October31, 1940, and was sentenced to 4 years' imprisonment.

This campaign was of a most restricted character so that the British Government might not be embarrassed in their hour of trial. The campaign thus, went on smoothly for 14 months. There was no attempt directly to interfere with the Government's war effort. Many of the leaders were later released. The war was drawing near India's border.

THE CRIPPS MISSION

The spectacular success of Japan and the pressure of the allies of Britain, during the early months of 1942 forced the British Government to make a serious attempt to end the deadlock in India. On March 11, 1942, Mr. Churchill announced that Sir Stafford Cripps, a member of the War Cabinet, would go to India to explain certain constitutional proposals. Sir Staffoid Cripps arrived at Delhi on March 22, 1942, and left Karachi for London on April 13. 1942.

The declaration of the British Government contained the following provisions:

(1) An elected constitution-making body would be set up in Indian after the war;

(2) Provision would we made for the participation of the Indian States in the above constitution-making body:

(3) The British Government would accept and implement the constitution-making body; but any Province of British India should have the right to reject the new constitution:

(4) Revision of treaties with Indian States would be necessary: and

(5) Until the new constitution could be framed, the British Government would remain, responsible for the defence of India.

It will be seen that the provision about the non-accession of Provinces to the Indian Union and the arrangement about defence was quite unacceptable to the Congress. On April 2, 1942, the Working Committee adopted a resolution explaining the causes of its rejection of the Cripps Scheme. It was observed: "To take away defence from the sphere of responsibility at this stage is to reduce that responsibility to a farce and a nullity, and to make it perfectly clear that India is not going to be free in any way and her Government is not going to function as a free and independent Government during the pendency of the war." In his 'Discovery of India' Pandit Nehru made it clear that Lord Linlithgow and the Civil Services sabotaged the Cripps Plan. The rejection of the plan by the Congress was followed by its rejection by the League, of course, for other reasons. Mahatma Gandhi remarked that the Cripps, "offer was a post-dated cheque on a crashing bank." He is stated to have told him thus: "Why did you come if this is what you have to offer? If this is your entire proposal to India, I would advise you to take the next plane home." Sir, Stafford's reply was "I will consider that."

QUIT INDIA MOVEMENT

The failure of the Cripps-Congress talks which had initially raised public expectations and excitement to a high pitch, caused a lot of disappointment.

Soon after the departure of Cripps, Gandhiji decided that the time for sterner policy and programme had come. The Japanese were knocking at India's gates. The suffering of the people as a result of prolonged war and a prevailing misgovernment was becoming unbearable. The attitude of the British Government did not show any change of heart. Gandhiji once again took up a

revolutionary stand and started a campaign in his weekly paper, Harijans, holding forth Quit India idea. Gandhiji felt convinced that the British presence was the incentive for the Japanese attack. He said: "I am convinced that the time has come for the British and the Indians to be reconciled to complete separation from each other. Complete and immediate orderly withdrawal of the British from India at least in reality will at once put the Allied cause on a completely moral basis.

The first condition of British success is the undoing of the wrong. I ask every Briton to support me in my appeal to the British at this hour to retire from every Asiatic and African possession. And when one puts morals, in the scales, there is nothing but gain to Britain, India and the world. I ask for a bloodless end of an unnatural domination and for a new era. Leave India to God and if that be too much, leave her to anarchy, necessity for withdrawal lies in its being immediate."

GENESIS

The Working Committee, however, passed a resolution on July the 14th at Wardha, based on "Quit India" demand. The Congress gave 24 days to the Government to make a favourable response. On 15 July, 1942 Mahatma Gandhi told the foreign press that if the movement had to be launched it would be a non-violent one. On 25 July, 1942, President Chiang Kai-shek wrote to President Roosevelt to intervene so that the Congress was not forced to launch the movement. The letter was forwarded to Churchill but nothing came out of it.

A meeting of the All India Congress Committee was held in Bombay on 7 August, 1942 as scheduled, and on August 8, the now famous "Quit India" resolution was passed. The A.I.C.C. meeting at Bombay was one of the most remarkable gatherings and was more like a Congress session judged by the number of people that it attracted.

The atmosphere was most tense and the speeches that were delivered on the resolution showed the intensity.of feeling that had been raised. Pandit Jawharlai Nehru moved this resolution, and Sardar Patel seconded it. The text of this fateful resolution that w destined to let loose a cataclysm of mass uprising beyond

precedent and expectation in the following months, throughout the country; is given below.

QUIT INDIA RESOLUTION (AUGUST 7-8,1942, BOMBAY, A.I.C.C.)

"The All India Congress Committee has given the most careful consideration to the reference made to it by the Working Committee iii their resolution dated July 14, 1942, and to subsequent events, inducing the development of the war situation, the utterances of responsible spokesman of the British government, and the comments and criticisms made in India and abroad. The Committee approves of and endorses that resolution and is of the opinion that events subsequent to it have given it further justification, and have made it clear that the immediate ending of British rule in India is an urgent necessity, both for the sake of India and for the success of the cause of the United Nations. The continuation of that rule is degrading and enfeebling India and making her progressively less capable of defending herself and of contributing to the cause of world freedom.

The committee has viewed with dismay the deterioration of the situation on the Russian and Chinese hunts and conveys to the Russian and Chinese people its high appreciation oh their heroism in defence of their freedom. This increasing peril makes it incumbent on all those who strive for freedom and who sympathise with the victims of aggression, to examine the foundations of the policy so fair pursued by the Allied Nations, which have led to repeated and disastrous failure, It is not by adhering to such aims and policies and methods that failure can be converted into success, for past experience has shown that failure is inherent in them. These policies have been based not on freedom so much as on the domination of should and colonial countries, and the continuation of the imperialist tradition and method.

The possession of empire, instead of adding to the strength of the ruling Power, has become a burden and a curse. India, the classic land of modern imperialism has become the crux of the question, for by the freedom of India will Britain and the United Nations be judged, and the people of Asia Africa be filed with

hope and enthusiasm. The ending of British rule in this country is thus a vital and immediate issue on which depend the future of the war and the success of freedom and democracy. A free India will assure this success by throwing all her great resources in the struggle for freedom and against the aggression of Nazism, Fascism and imperialism. This will not only affect materially the fortune of the war, but will bring all subject and oppressed humanity on the side of the United Nations, and give these Nations, whose ally Indians would be, the moral and spiritual leadership and the tent of that imperialism will affect the fortune of all the United Nations.

"The peril of today, therefore, necessitates the independence of India and the ending of British domination. No future promises or guarantees can affect the present situation or meet that peril. They cannot produce tile needed psychological effect on the mind of the masses. Only the glow of freedom now can release that energy and enthusiasm of millions of people which immediately transform the nature of the war."

''The A.I.C.C. therefore repeats s all emphasis the demand for the withdrawal of the British Power from India. On the declaration of India's Independence, a Provisional Government will he formed and Free India will become an ally of the United Nations, sharing with them in the trials and tribulations of the joint enterprise of the struggle for freedom. The Provisional Government can only be formed by the co-operation of the principal parties and groups in the country. It will thus be a composite government, representative of all important sections of the people of India. Its primary functions must be to defend India and resist aggression with all the armed as well as the non-violent forces at its command, together with its Allied powers, to promote the well-being and progress of the workers in the fields and factories and elsewhere, to whom essentially all power and authority must belong.

The Provisional Government will evolve a scheme for a Constituent Assembly which will prepare a constitution for the Government of India acceptable to all sections of the people. This constitution according to the Congress view, should be a federal one, with the largest measure of autonomy for the federating units, and with the residuary powers vesting in these units. The future relations between India and the Allied Nations will be

adjusted by representatives of all these free countries conferring together for their mutual advantage and for their co-operation in the common task of resisting aggression. Freedom will enable India to resist aggression effectively with the people's united will and strength behind it.

"The freedom of India must be the symbol of and prelude to the freedom of all other Asiatic nations under foreign dominations. Burma, Malaya, Indo-China, the Dutch Indies, Iran and Iraq must also attain theircompletefreedom. It must be clearly understood that such of these countries as are under Japanese control now must not subsequently be placed under the rule or control of any other Colonial Power.

"While the A.I. C.C. must primarily be concerned with the independence and defence of India in this hour of danger, the Committee is of opinion that the future peace, security and ordered progress of the world demand a World Federation of free nations, and on no other basis can the problems of the modern world be solved, Such a World Federation would ensure the freedom of its constituent nations, the prevention of aggression and exploitation by one nation over another, the protection of national minorities, the advancement of all backward areas and peoples, and the pooling of the world's resources from the comman good of all. On the establishment of such a World Federation, disarmament would be practicable in all countries, national armies, navis and air forces would no longer been necessary, and a World Federation Defence Force would keep the world peach and prevent aggression.

"An independent India would gladly join such a World Federation and co-operate on an equal basis with other nations in the solution of international problems.

"Such a Federation should be open to all nations who agree with its fundamental principles. In view of the war, however, the Federation must inevitably, to begin with, be confined to the United Nations. Such a step taken now will have a most powerful effect on the war, on the peoples of the Axis countries, and on the peace to come.

"The Committee regretfully realises, however, that despite the tragic and overwhelming lessons of war and the perils that

overhang the world, the governments of few countries are yet prepared to take this inevitable step towards World Federation. The reactions of the British Government and the misguided criticism of the foreign press also make it clear that even the obvious demand for India's independence is resisted, though this has been made essentially to meet the present peril and to enable India to defend herself and help China and Russia in their hour of need. The Committee is anxious not o embarrass in any way the defence of China or Russia, whose freedom is precious and must be preserved, or to jeopardise the defensive capacity of the United Nations But the peril grows both to India and these nations, and in action and submission to a foreign administration at this stage is not only degrading India and reducing her capacity to defend herself and resist aggression, but is no answer to that growing peril and is no service to the peoples of the United Nations The earnest appeal of the Working Committee to Great Britain and the United Nations has so far met with ho response, and the criticisms made in many foreign quarters have shown an ignorance of India's and the world's need, and sometimes even hostility to India's freedom, which is significant of a mentality of domination and racial superiority which cannot be tolerated by a proud people conscious of their strength and of the justice of their cause.

"The A. I. C. C. would yet again, at this last moment, in the interest of world freedom, renew this appeal to Britain and the United Nations But the Committee feels that it is no longer justified in holding the nation back from endeavouring to assert its will against and imperialist and authoritarian government which dominates over it and prevents it from functioning in its own interest and in the interest of humanity. The Committee resolves, therefore, to sanction for the vindication of India's inalienable right to freedom and independence, the starting of a mass struggle on non-violent lines on the widest possible scale. so that the country might utilise all the non-violent strength it has gathered during the last twenty two years of peaceful struggle Such a struggle must inevitably be under the leadership of Gandhiji and the Committee requests him to take the lead and guide the nation in the steps to be taken.

"The Committee appeals to the people of India to face the dangers and hardships that will fall to their lot with courage arid endurance, and to hold together under the leadership of Gandhiji, and carry out his instructions as disciplined soldiers of Indian freedom, whey must remember that non-violence is the basis of this movement, A time may come when it may riot be possible to issue instructions or for instructions to reach our people, and when no Congress Committees can function. When this happens, every man and woman, who is participating in this movement must function for him self or her self within the four corners of the general instructions issued. Every Indian who desires freedom and strives for it must be his own guide urging him on along the hard road where there is no resting place and which leads along ultimately to the independence and deliverance of India.

"Lastly, whilst the A.I.C.C. has stated its own view of the future governance under free India, the A.I.C.C. wishes to make it quite clear to all concerned that by embarking on mass struggle it has no intention of gaining power for the Congress. The power when it comes, will belong to the whole people of India."

DO OR DIE

Nothing Less than Freedom

Speaking on the resolution after it was passed, Mahatma Gandhi said that he would want freedom immediately, "This very night before dawn if it can be had." The text of the speech follows.

"I congratulate you on the resolution that you have just passed. I also congratulate three comrades on the courage they have shown in pressing their amendments to a division, even though they knew that there was an overwhelming majority in favour of the resolution, and I congratulate the thirteen friends who voted against the resolution. In doing so, they had nothing to be ashamed of. For the last twenty years we have tried to learn not to lose courage even when we are in a hopeless minority and are laughed at. We have learned to hold on to our beliefs in the confidence that we are in the right. It behoves us to cultivate this courage of conviction, for it ennobles man and raises his moral stature. I was-, therefore, glad to see that these friends had imbibed the principle which I have tried to follow for the last fifty years and more.

"Having congratulated them on their courage, let me say that what they asked this Committee to accept through their 'amendments was not the correct representation of the situation. These friends ought to have pondered over the appeal made to them by the Maulana to withdraw their amendments; they should have carefully followed the explanations given by Jawaharlal. Had they done so, it would have been clear to them that the right which they now want the Congress to concede has already been conceeded by the Congress.

"The Congress has no sanction but the moral one for enforcing its decisions. It believes that true democracy can only be the outcome of non-violence. The structure of a world federation car be raised only on a foundation of non-violence, and violence will have to be totally abjured from world affairs.

"The Congress has agreed to submitting all the differences to an impartial international tribunal and to abide by its decision If even this fairest of proposals is unacceptable, the only course that remains open is that of sword, of violence, How can I persuade myself to agree to an impossibility? To demand the vivisection of a living organism is to ask for its very life. It is a call to war. The Congress cannot be party to such a fratricidal war.

"I, therefore, want freedom immediately, this very night, before dawn, if it can be had. Freedom cannot now wait for the realization of communal unity. If that unity is not achieved, sacrifices necessary for it will have to be much greater than would have otherwise sufficed. But the Congress must win freedom or be wiped out in the effort. And forget not that the freedom which the Congress is struggling to achieve will not be for the Congressmen alone but for all the forty crores of the Indian people. Congressmen must forever remain humble servants of the people.

"It is not a make-believe that I am suggesting to you. It is the very essence of freedom. The bond of' the slave is snapped the moment he considers himself to be a free being. He will plainly tell the master: I was your bondage till this moment, but I am a slave no longer You may kill me if you like, but you keep me alive, I wish to tell you that if you release me from the bondage of your own accord, I will ask for nothing more from you. You used to feed and clothe me, though I could have provided food and

clothing for myself by my labour I hitherto depended on you instead of on God, for food and raiment God has now inspired me with an urge for freedom and I am today a free man and will no longer depend on you"

"You may take it from me that I am not going to strike a bargain with the Viceroy for ministries and the like lam not going to be satisfied with anything short of complete freedom Maybe, he will propose the abolition of salt tax, the drink evil, etc But I will say 'Nothing less than freedom.'

Here is a mantra, a short one that I give you. You may imprint it on your hearts and let every breath of yours give expression to it. The mantra is: 'Do or Die.' We shall either free India or die in the attempt; we shall not live to see the perpetuation of our slavery. Every true Congressman or (Congress) woman will join the struggle with an inflexible determination not to remain alive to see the attempt; we shall not live to see the perpetuation of our slavery Congressman or (Congress) woman will join the struggle with an inflexible determination not to remain alive to see the country in bondage and slavery. Let that be your pledge. Keep jails out of your consideration. If the Government keep me free, I will spare you the trouble o the jails. I will not put on the Government the strain of maint3ining a large number of prisoners at a time when it is in trouble. Let every man and woman live every moment of his or her life hereafter in the consciousness that he or she eats or lives for achieving freedom and will, die, if need be, to attain the goal. Take a pledge with God Sand your own conscience as witness, that you will no longer rest till freedom is achieved and will be prepared to lay down your lives in the attempt to achieve it. He who loses his life will gain it; he who will seek t save it shall lose it. Freedom is not for the coward or the fainthearted.

A word to the journalists. I congratulate you on the support you have hitherto given to the national demand. I known the restrictions and handicaps under which you have to labour. But I would now ask you to snap the chains that bind you. It should be the proud privilege of the news to lead and set an example in laying down one's life for freedom. You have the pen which the Government can't suppress. I know you have large properties in

the form of printing-presses, etc., and you would be afraid lest the Government should attach them. I do not ask you to invite an attachment of the printing-press voluntarily. For myself, I would, not suppress my pen, even if the press was to be attached. As you know my press was attached in the.past and returned later on. But I do not ask from you that final sacrifice. I suggest a middle way. You should now wind up your Standing Committee, and you may declare that you will give up writing under the present restrictions and take up the pen only when India has won her freedom. You may tell Sir Frederick Puckle that he can't expect from you a command performance, that his Press notes are full of untruth, and that will refuse to publish them. You will openly declare that you are wholeheartedly with the Congress. If you do this, you will have changed the atmosphere before the fight actually begins.

"Soldiers too are covered by the present programme. I do not ask them just now to resign their posts and leave the army. Soldiers come to me, Jawaharlal and to the Maulana and say: "We are wholly with you. We are tired of the government tyranny." To these soldiers I would say: "You may say to the Government, 'Our hearts are with the Congress. We are not going to leave our posts. We will serve you so long we receive you salaries. We will obey your just orders, but will refuse to fire on our own people."

"To those who lack the courage to do this much I have nothing to say. They will go their own way. But if you can do this much, you may take if from me that the whole atmosphere will be electrified. Let the Government then shower bombs, if they like. But no power on earth will then be able to keep you in bondage any longer.

"If the students want to join the struggle only to go back to their studies after a while, I would not invite them to it. For the present, however, 'till the time that I frame a programme for the struggle, I would ask the students to say to their professors: 'We belong to the Congress. Do you belong to-the Congress or to the Government? If you belong to the Congress, you need not vacate your post. You will remain at your posts but teach us and lead us unto freedom.' In all fights for freedom, the world over, the students have made very large contributions."

"If in the interval that is left to us before the actual fight begins, you do even the little I have suggested to you, you will have changed the atmosphere and will have prepared the ground for the next step."

IT IS GOING TO BE A FIGHT TO FINISH

In his speech, Jawaharlal Nehru who had moved the resolution 'himself, said that it was going to be fight to finish.

"The conception of resolution is not narrow nationalism, but it not narrow nationalism, but it has an international background. The arguments for the resolution have already been sufficiently put before the public. I am sure the bona fides of the resolution have been fully understood by all friends. The resolutions is in no sense a challenge to anyone. If the British Government accept the proposed it would change the positions both internal and international, for the better from every point of view. The position of China would be improved. I am convinced that whatever change might come about in India, it must be for the better. The A.I.C.C. knows that Mahatma Gandhi has agreed that the British and other foreign armed forces stationed in India may continue. This has been agreed to in order not to allow the Japanese to come in."

"I am surprised how intelligent people.in England and America could have misunderstood the Congress stand unless, of course, they deliberately chose to misunderstand it. I have regretfully come to the conclusion that to some extent other governments are also following the British line of thought towards India. Today, the British Government is opposed to the Indian national movement for freedom. I am convinced that the British Government can never really think in terms of advancing the cause of the freedom of India unless, of course, the entire character of the present British Government is changed I am not personally concerned with such a change, but I stand for dissociating myself with that government anti that country. It is not for me to advise the British people what government they should have.

"There is a great deal of criticism in America, too, about what India wants We are accused, by some newspapers, that we are blackmailing It is curious charge for a people to make who

themselves had for generations carried on a struggle for freedom If for demanding freedom we are called blackmailers then surely our understanding of the English language has been wrong. Whatever may happen in Whitehall, it is not going to stop us from working for our independence. We live for it and will die for it. I do not want to say anything at the present moment which might add to the feeling of bitterness that exists everywhere. I know that this War has produced great emotional reactions in people's minds which is one of the worst effects of the War and which makes it very difficult for the people to think and not to think in terms of violent hatred.

"Nobody in Whitehall can think straight, I suppose. There is falsity everywhere. You listen to the. r London, Berlin or Tokyo. One does not know what is the truth. I am prepared to make many allowances for the emotional background in England and America. I do not really mind if people there angry. But I feel sorry for the people in England and America who have a perverted way of looking at the Indian question. They are so wrong that they will certainly land themselves in difficulty. After all, just think what would have been the course of history; particularly that of Britain, if she had taken right steps with regard to India in the last two years If Britain had acted rightly, the entire history of the War would have been different. But in spite of perils and disasters, England has stuck to her imperialism and "rapier. The fact is patent to me that the British Government and, for certain, the Government of India think the Indian National Congress to be their enemy number one. If the Government of India is going to treat the people of India like this, then we also know how to behave with them. We have seen in the last few months unparalleled example of inefficiency and in competency of this government. The whole system is a rotten one. I do not want to associate myself with the creaking, shaking machinery that the Government of India is. As for the so-called National War Front, there is neither the nation, nor the war, nor any front in it. All that this front is now doing is opposing the Congress. I certainly do not mind that. The whole Government of India is built that way. The only occasion when it does function actively and efficiently is when overnight it starts rounding up large numbers

of people. One of these some such efficient functioning will reappear against Congressmen!

'It is curious tangle that we are in. It is not going to be resolved by shouting or by the approaches of the British Government. May I, with all respect, suggest to the great people of America that they have all gone wrong in regard to India, China and the whole of Asia. Americans. have looked upon India as an appendage to Britain, and Asia as the dependent of E rope and America. Some of them have thought in terms of benevolence towards these countries, but always with a taint of road superiority They have s considered themselves, because of their inventions during this machine age, to be infinitely. Better then us and also that we are a benighted back people. But the people of Asia do no propose to be that manner any longer. Asia is the mother-continent of the world, and India and China constitute the real mother countries of the-world, What is the good of such people, who', simply because they have some very great material achievements to their credit, have forgotten or are not learning the very essence and art of living? They have built and are building better motorcars. This is.a machine age. We will also learn to build machines-better machines. Americans have forgotten the magnificent achievements of China and India. It is China and India, with the experience of ages, who have learned the art of living decently even without the material achievements considered necessary for such living.

"I hate poverty. My grievance against the British is that they has made Indians miserable, poverty stricken wrecks of humanity. We are now taking a step from which there will be no going back. If there is goodwill on other side, then everything would be all right and the whole course of the War and future of the world would be changed. The change would be not merely emotional but in the material sense also. But that is not to be. There might be some difficulty. It is my conviction that this resolution is the only way, the effective way, in which we can help china and Russia and I know how terrible the situation is there. Britain and America must change their whole conception of the War. It is no good looking at Asia as a side-show. Asia is the centre of the War and it is Asia that is going to determine the final result of the War. Therefore, I want to prepare today, even at some risk and peril,

so that the final result of the War should be the right kind of result. We must go forward even though it involves certain perils. I should like-my friends, who do not agree with this resolution or who do not try to understand it, to respect our *bona fieds*. People should realise that if there is any trouble in India, it is we who would suffer. If there is internal trouble or an external invasion by Japan, it is we who would suffer, England might he distantly affected but we have to die immediately. The problem of meeting aggression concerns us deeply. How can I, after seeing the incompetence of the government, trust them? Their whole attitude is one of retreat. We, however, want to be valiant fighters. It is not a narrow nationalist resolution. I am proud of Indian nationalism because if is broadbased and has an international background.

"The movement contemplated is not for merely achieving national ends but for achieving world freedom. The Congress is plunging into a stormy ocean and it would emerge either with a free India or go down. Unlike in the past, it is not going to be a movement for a few days, to be suspended and talked over. It is going to be a fight to the finish. The Congress has now burnt its boats and is about to embark on a desperate campaign. I can never persuade myself to work with a government which has neither vision nor intelligence. Nor would I remain a passive spectator of the great happenings that are taking place in the world. It appears to me, perhaps, I would live in eternal opposition to the Axis power.

I repudiate the suggestion that the Congress amid Mahatma Gandhi are bargaining and haggling. In moments of excitement people are prone to say certain things, but this should not be dubbed. as bargaining. How, by granting India's independence, would the war efforts of the United Nations be hampered or how would chaos and anarchy follow in India? The resolution does not give out even one tenth of the real feelings of the Indians towards the British Government.

"The debate on this resolution is over and I have also had my say. There are just a few points which I have partly said and partly not said—which I would like to say in English for the benefit of my friends who may not have followed me.

"What is the resolution? You have seen and read it. It is not a threat. It is not an invitation. It is an explanation. It is an offer of cooperation. It is all that. It is not a threat but still behind it there is obvious warning that certain consequences will follow if certain not happen. It is an offer of cooperation but of a free India with other-free peoples. There is going to be no cooperation on any ether terms. On any other terms this resolution can only, promise conflict and struggle. Let that be clear. Some of our friends abroad may think that we are acting unwisely. I do not blame them. They move in their own environment, I waist them to realise what we are saying. We are in dead earnest about the course we are going to adopt. Let there be no doubt about it. You may occasionally cheer and clap but the fact is that we are on the brink of a precipice and we are in dead earnest about it. I think this resolution of ours is not only a resolution of the All India Congress Committee but it does represent as on many other occasion our resolutions have represented-the voice of India. I would even go a step further and say that it represents the voice- of the entire oppressed humanity. If, by a miracle, Britain had accepted this resolution and acted according to its demands you would have seen such a wonderful change, not only in India but all over the world. It would have changed the whole nature of the War.

"Now, remember that the essential thing about this War is that it is something infinitely more than a war; it is a World War. That is big enough; but it is bigger than that: it is a part of, and to prelude to, and precursor of a vast revolution that is enveloping the whole world. This War may end or it it may be carried on for sometime, but no peace will be established, no equilibrium attained until this revolution runs, its appointed course. Our misfortune has been that the leaders in the West did not realize the revolutionary significance of this War, o if they realized, they did not act accordingly. They are still carrying in the same old way and think only in terms of more tanks and more aeroplanes. Probably in their position I would have done the same thing. They are not thinking of the vast surge of the elemental emotion of humanity. Unless they do this, they can never attain success. I hope they will learn, but sometimes, I hear, that they will learn, it too late.

"Mr. Churchill and other Englishmen have not got over thinking in terms of the Anglo-Saxon race. In a recent speech Mr. Churchill visualised the day when the Anglo-Saxon race would march through the world in dignity and majesty. This is not a pleasant picture to contemplate and it is a thing not going to be tolerated by Asia at any rate. Let that be clear. There is too much talk of majesty and dignity of the Anglo-Saxon race or the German race or the Italian race.

There are other races also in the world and we have had enough of such talks, This racial superiority can no more be tolerated. We are-going to cooperate with the British when we think it right to do so and when there is a right cause; but we are not going to act with that we think that the cause is not right At the present time, the Allied cause is only negatively right in the sense that Germany and Japan are worse But Indian freedom would change the whole nature of the War and m it right positively Even the P: of Nazi Germany and those who are helping the Germans would feel the impact of the change.

It would be a turning point of the War. Bt they simply talk about their own problems which have no significance for us and ask us not to do this and that and go oil in their own ruts.

The people in England, America and elsewhere looking at 'question from the narrow standpoint of a soldier. And it does not matter to them how other people view the Indian question. India says something which, we believe-and I honestly believe-is not only in the interest of India but enormously in the interest of the Allied cause provided they accept it.

They talk about blackmailing and threaten us. I can only tell them that we will not be deterred from our course by any amount of threats on the other hand Westerners ought to realise that at this stage threats could only make the position Infinitely worse and more difficult for them. We have decided to take this course on which there is no going back.

I repeat again: we shall try to remain calm. We have got big t ahead-a big task for our country, and a big task for the world. Whether we function as Indian National Congress or not, time may come when each individual will represent the Indian National Congress and work on his own. We must not in the excitement of the movement forget our high aims and objectives-high aims for India whose freedom we consider precious, and high aims and objectives-with regard to the whole world. We are nationalists and we are proud of this fact. But we should not settle down to a narrow nationalism. We should always remember that we have develop a right type of internationalism but not pseudo-internationalism, of the present day world or of the league of Nations.

"I beg everybody to 'consider this resolution in this spirit. Whether there are internal perils or external perils, after all, if the Japanese reach this country, you and I will suffer and not the people in London and Washington.

You and I will have to die, face the situation, may have to face untold miseries and sufferings-we will have to face all that. People talk to us from Washington, New York and various other places. You know what Japan is. We know what subjection is and we know it better than Americans and Englishmen. We have had it for about two hundred years. We have come to the decision that it is better-to throw off the fetters into the fire and come out as a free nation than be reduced to ashes.

"We are prepared to pay any price for unity except 'the price of independence. What obstructions have not been placed in our path which have had no relation to the real issue? I can talk and negotiate with anybody who recognises the need for democratic freedom for India, but I Cannot negotiate with anyone who refuses to recognise the fundamental issue-the freedom of India. I was told during the Cripps negotiations that a certain leader insisted on behalf of Muslims that the Victory's power of veto should not be removed or in any way qualified If any section wants that the British Viceroy should exercise his veto power against the decisions of his Indian cabinet, it means clearly that that section is against the freedom of India.

I do not want to injure anyone's feelings especially at a time when we ace about to launch a great struggle for freedom. I tried, for one whole year, to find out what the League wanted, but I was unable to understand what they wanted.

"I have not been able to find a parallel to such a situation in the history of the world. I have not come across anywhere else such a situation except in the land of Hitler. The Sudden crisis bears similarity to the situation here. For purposes of negotiations we were not allowed to select our own representatives. We are told that we cannot send Muslims to represent the Congress.

This is an insult to our great organization and to our revered President. We were prepared to stake everything consistent with our dignity and self-respect for finding a satisfactory settlement. Whenever we knocked at the doors we found them bolted, and we knocked ourselves against a wall. Are we beggars to be treated like this? Are we going to be so dishonourable as to sacrifice the mansion of Indian freedom which we want to build? Are we going to be kicked about by men who have made no sacrifice for the freedom of India and who can never think in terms of freedom at all?"

The broad outlines of the events of 1942 are quite well known by this time. The carefully prepared plan of the Government was put into operation and before day-break on August 8, Gandhiji and other leaders were spirited away to unknown prisons. The place of imprisonment of the Working Committed members was kept a well guarded secret for a long time.

The A.I.C.C. members were arrested at Bombay or in trains on their way home. The Congress Committees everywhere were declared unlawful bodies and Congress Offices were seized and locked. Swaraj Bhawan was occupied and all provincial headquarters in all provinces were simultaneously taken possession of. Even social service organisations like Khadi and Harijan centres were not spared.

At Bombay, the entire police and military force was mobilised. Tear gas and lathis were used and rally of Deshsevikas was one of the targets. This was repeated all over the country in various provinces. The spontaneous resistance began from the people equally promptly. Mrs. Asaf Ali hoisted the flag at Bombay despite police warning and there were processions and demonstrations, not only in Bombay but in far off towns and villages against the arrest of the leaders.

REVOLUTION SPREADS

Bombay: The city of Bombay served as the focal point and the Headquarters of the movement. Congress Socialist Party gave such guidance and co-ordination to the movement as was possible, under the circumstances. Students and Labourers played a great role in Bombay.

A few mills in Bombay remained closed for about a week but there was a-complete strike for over three months in all the mills in Ahmedabad. 50,000-workers sacrificed and suffered and went hack to their native places while the mill owners were carrying on war business. The students observed hartals, took out processions and played a hide and seek game with the police in a prolonged struggle.

Bihar: It was in the villages that the movement assumed a mass character. Bihar was perhaps the most widely affected province in the whole country. This province and the eastern parts of U.P. had and a strategic position. The lifeline for war supplies to the eastern front passed through this area. The target of attack in Bihar was the communications, railway stations, roads and bridges as well as police stations and the courts and other Government buildings. Trouble in Bihar started with the firing on a peaceful procession in Bihar Secretariat compound on the 10th August.

U P: After Bihar, the movement was most widespread in the United Province The district of Ballia specially distinguished itself. On 10th August, the District Magistrate at Ballia under pressure of a demand from the people had to release the arrested Congress leaders of the district, and people took over the Government and the officials had to take refuge in the police lines in a panic All communications with the outside world were cut off from the 11th.

For 9 days the town and district was entirely ruled by the people. There was no crime during this period and there was all round peace. On August 19th the 'invasion' force appeared and Ballia was reconquered. The U.P. Government was headed by 'strong' man, Mr. Hallett and he wanted to teach a lesson to the rebels of Ballia and other equally rebellious places— Madhuban

in Azamgar, Shaganj and other places in Gorakhpur, The police started a furious campaign of burning houses, shooting men, women and children and looting whatever they could get. A reign of terror now prevailed for a week.

In the towns of U.P. at Lucknow, Meerut, Allahabad and Benares the same story repeated itself. The police provoked peaceful procession, opened fire and killed men to terroise them. The students including girls often faced lathi charges and many of them received bullet wounds. It is estimated that over three hundred girls received injure. There was a procession at Allahabad headed by a batch of University girls.

C. P: Like U. P., the province of C. P. also brought some unknown places on the map of India. These are Chimur, Ashti, Ramtek, Yavli and others. Chimur is a jungle district with a population of 6000. On 16th August a peaceful procession in the district was greeted by lathis and bullets and the local leaders were arrested. Infuriated mob had a clash with the police and a S.I. was killed and Government buildings were burnt up and the bridges and roads were damaged and blocked. This brought the troops on the 17th. A similar sequence of events repeated itself at Ashti where highly respected Congress leaders were shot down by the police.

Maharashtra: In Maharashtra the district of Satara became famous in 1942 as a site of Patri-Sarkar Sata had earned similar fame in the early Satyagraha movement of 1930-32. In 1942, when the resistance in the rural areas, as elsewhere, had been suppressed by ruthless repression, the underground workers organised a parallel Government at Satara. Such an experiment was possible in this hilly area, with various Indian States bordering on the British India districts.

The experiment of course did not last long and would have been completely crushed by military force of the Government but for the fact that the Working Committee members were released and the political atmosphere in the country took a different turn.

Punjab, Assam & Sind: Other provinces such as Assam, Orissa, Sind and the Punjab gave a good account of themselves. The pattern of events in all these places was similar. Mass demonstration were held against the arrest of the leaders, and police firing. Incidents of sabotage followed ruthless repression.

The conditions in the Punjab were particularly difficult and the task of the underground workers was specially hazardous. The district of Rawalpindi, which was, by-the way, the military Headquarters of the British Government, played the most distinguished part.

N.W.F.P: Under the guidance of Badshah Khan, the movement remained perfectly peaceful in he land of the brave pathans. It began with mass demonstrations, processions and picketing of liquor shops, till 4th September, 1942, when the Congress and the Khudai Khidmatgars repudiated the British Raj in the province. Badshah Khan and his party started on fraternal marches in the villages and roused tremendous enthusiasm.

Final phase of the movement, after a month, took the form of organised raids on Law Courts throughout the province, in a strictly non-violent manner Khudai Khidmatgars were injured in a large number by lathi charges and were later fired upon and killed. Efforts at demoralisation having failed, the Government was now forced to resort to arrests.

Khan Abdul Ghaffar Khan headed a force of volunteers for ‘raid’ or for taking possessions of Mardan Law Court, as a symbol of the Government authority. He was severely beaten and had to b removed to jail an unconscious state with his two ribs broken. Only one case of looting of a post office was reported n this province and this was condemned unequivocally when Badshah Khan came to know of it.

Bengal: In Bengal, serious trouble had developed by the ruthless action of the police in Calcutta and tram car and other traffic was completely dislocated. Roads were barricaded for a number of days.

The police and the military opened fire several times in various parts of the city. A secret radio station also worked in Calcutta as in Bombay for a long time till all its workers were arrested. The movement in Calcutta was carried on mostly by the students and the enthusiasm was unprecedented even in the history of Bengal, The repression that followed was equally unprecedented. For six

long months, people in Calcutta resisted doggedly the mighty concentration of the' police and military. Jails were filled with the arrested men and women, There were workers' strikes in military workshops.

1942 movement revealed the strength and daring initiative of our people in the villages in away that makes every Indian proud and happy, even those who might not like the incidents of murders and violence that marred the movement from the Congress point of view. The first place among various districts and provinces, that distinguished themselves in 1942, is that of Midnapore.

Although the movement did not bring about immediate it prepared the ground for independence in 1947. After the revolt, no doubt was left in the minds of the British rulers that the days of their domination were numbered. It was only a question of time. The revolt marked the culmination of the Indian freedom movement. It have utterance to India's anger against imperialism and her determination to be free.

2

Plans of Freedom

The suppression and frustration of the aspirations of the people during the War gave birth to an irresistible upsurge. The British administration had been showing signs of complete bankruptcy. The desperate attempts to divert the popular upsurge into fratricidal channels of communal strife had only depended the crisis. This policy had weakened and demoralised the administrative apparatus and had given rise to corruption, inefficiency and a deepening food crisis. It also had spread contempt for law and Order and the menace of a general conflagration loomed on the horizon.

The Quit India Movement and the emergence of the phenomenon of AZAD HIND FAUJ had made the situation in the country very explosive. Further, the British found it difficult to cope with the changed international situation. Also a Labour Government had come into power in Britain after a dramatic ouster of the War hero, Mr. Winston Churchill.

In this state of affairs, in the words of Sir Stafford Cripps, there were fundamentally two alternatives before the Government. First, they could endeavour to strengthen British control in India on the basis of a considerable reinforcement of British troops. The second alternative was to accept the fact that the, first alternative was not possible.

The two events that accelerated the British decision to reach a settlement before the situation passed entirely out of their hands were the trial of the I.N.A. prisoners and the revolt of Indian naval service.

SUCCESSIVE PLANS

Three successive Plans were proposed: Cabinet Mission Plan in June, '46, Attlee Declaration in February, '47 and lastly the Mount batten Plan of June, '47. One common factor of all these Plans, as of the earlier Cripps proposals was, the building up of an elaborate structure based on the communal lines.

'The political scene in India at that time was marked by negotiations between the British Government, League and the Congress: the Congress eager to attain country's freedom, the British eager to make a formal transfer and at the same time, trying to protect the British political, economic and strategic interests, in several parts of India, and the League playing what it thought to be a clever game of 'Carving out a separate State, for Muslims.

A delegation of British M.P.'s was sent to India in early January, 1946 to ascertain the views of the Indian leaders. Prof. Laski, the political philosopher of the Labour Party had expressed his fear that unless Britain settled with India, "it may be too late after the summer." The M.P.s later reported to Premier Attlee saying that I.N.A. dominated the Indian scene and that labour unrest and impending famine would be very grave factors to reckon with.

Mr. Attlee announced on February 19, 1946 that a Mission consisting of three Cabinet members would visit India shortly On the very next day the leader of the M.'P.'s delegation said, "We must quit India quickly or we shall be kicked out." Mr Jinnah on his part said that Pakistan would be the guiding principle of his talks with Britain.

CABINET MISSION

The British Cabinet Mission consisting of Lord P Lawrence, Sir Stafford Cripps and Mr. Albert V. Alexander arrived in India towards the end of March and after interviewing the leaders of different groups, parties and communities arranged a Conference at Simla. This Conference lasted about a week and broke down on the issue of Pakistan and parity in the proposed interim Government. Though unsuccessful, the Simla Conference cleared the issues and in a way subsequent, plans followed from it.

The Cabinet Mission and the Viceroy then issued a statement on May 16 1946, saying that though no agreement had been reached, immediate arrangements should be made whereby Indians may decide the future constitution of India and an Interim Government be set up until the new constitution could be brought into being.

The statement pointed out that after examining the question of a separate and fully independent sovereign state of Pakistan as claimed by the Muslim League, the Mission had come to the conclusion that "the setting up of a separate sovereign state of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem, nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab, Bengal and Assam in which the population is predominantly non-Muslim " They considered, further, whether a smaller sovereign Pakistan, confined to the Muslim majority areas alone, might be a possible basis of a compromise, but they felt that "neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem." In the end, they said: "We are, therefore, unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign states."

INTERIM GOVERNMENT ANNOUNCED

Meanwhile, the Viceroy continued negotiations with the representatives of the Congress and the Muslim League on the number of members and personnel of the proposed Interim Government As these negotiations did not result in an agreement between the parties, the Viceroy announced the names of the candidates for the Interim Government consisting of six Hindus, all members of the Congress, including one member of the Depressed Classes, five Muslim representatives of the Muslim League, one Sikh, one Christian and one Parsi.

On the 25th of June, 1946, the Congress Working Committee announced their rejection of the plan of an Interim Government. They adopted a comprehensive resolution saying that the "Congress can never give up the national character of the Congress,

or accept an artificial and unjust parity or agree to the veto of communal group The Committee are unable to accept the proposals for the formation of an interim Government as contained in the Government's statement of June 16. The Committee, however, decided that the Congress should join the proposed Constituent Assembly with a view to framing the Constitution of a free, united and democratic India."

The Muslim League accepted the plan with certain provisions. But in view, of the refusal of the Congress to join the Interim Government, Lord Wavell announced on June 26, 1946 that he would set up a temporary 'caretaker' Government of officials to carry on in the interim period.

The Council of the All-India Muslim League met towards the end of July and passed a resolution withdrawing its acceptance of the Cabinet Mission proposals. By another resolution, the Council resolved that 'now the time has come for the Muslim nation to resort to direct action to achieve Pakistan, to assert their just rights, to vindicate their honour and to get rid of the present British slavery and the contemplated future 'caste-Hindu domination.'

The Viceroy invited Pandit Jawaharlal Nehru on' 6th of August to constitute an interim Government, which he did.' It consisted of six Hindus, including one Depressed Class member, 'three Muslims, of whom two belonged neither to the Congress nor to the League, one Sikh, one Christian-and one Parsi. The members took office on September 2, 1946.

THE LEAGUE BROUGHT INTO THE INTERIM GOVERNMENT

Soon after the In Government was formed, the Viceroy started negotiations with the Muslim League with a view to bringing in its representatives and inducing them 'to join it. The League was, however, required to accept the Statement of May 16 and thereby indicate their readiness to join the Constituent Assembly before they could be admitted into the Interim Government. Lord Wavell, it would appear, did not get a clear decision from the League on that point. He assumed that Mr. Jinnah had accepted the stipulation regarding acceptance of the Statement of May 16 and accordingly invited him to nominate five persons to the Interim Government.

The League joined the Interim Government in the last week of October, 1946. The League-however were not prepared to accept the Interim Government as a Cabinet, but only as an Executive Council under the Government of India Act.

A deadlock was often created and the position became more and more difficult, and a demand was made on behalf of the Congress that the Muslim League Members should accept the Statement of May 16 and decide to join the Constituent Assembly and recognise the basis of working the Interim Government, or go out of the Interim Government.

On invitation from the British Government Pandit Jawaharlal Nehru, Sardar Baldev Singh, Mr. Jinnah and Mr. Liaqat Au Khan went to London with Lord Wavell in the last week of November, 1946 for discussions which, as was not unexpected, failed to bring about an agreed settlement.

JUNE 3RD STATEMENT—THE MOUNTBATTEN PLAN

Lord Mountbatten had first sent some of his Advisers under Lord Ismay to consult with His Majesty's Government, and subsequently he himself flew to London. He returned to India with a statement on behalf of His Majesty's Government, and the authority to such steps as were necessary to effect transfer of power. The statement was published simultaneously in India and London on June 3, 1947. It laid down the method for ascertaining the wishes of those Provinces and parts of the country which, were supposed to be in favour of secession, and in case of division was decided upon, the procedure to effect that division If the decision by a of them was in favour of a division of the Province. The Province was to be divided and the boundaries were to be settled by a Boundary Commission which would take into consideration all factors and not only the population of a district, "-in determining the boundaries. The statement announced that legislation would be introduced in Parliament conferring Dominion Status on India, then almost immediate and that if division was decided upon in India, then there would be two Dominions, otherwise only one Paramountcy would cease simultaneously with the establishment of cominion Status. It was expected that legislation will be completed and power transferred by the middle

of August at the latest, thus anticipating the dead originally fixed, for transfer of power by ten months or so.

North West Frontier Province was asked to decide the question by a referendum an4in the British Baluchistan same method was to be adopted for ascertaining the wishes of the people. As regards' Assam, there was only one district, Sylhet, which had a Muslim majority, and in case it was decided that Bengal should be partitioned, a referendum was to be held in Sylhet district to decide whether it should continue to form part of Ass or be amalgamated with the Province of Eastern Bengal. This statement of policy was accepted by the Working Committee of the Congress, and its acceptance was later endorsed by the A.I.C.C. The Council of the All-India Muslim League accepted the plan at a meeting held on June 9, 1947 with certain reservations.

As was expected the division was decided in the Punjab-and the Bengal. The referendum resulted in N W F Provinces, Baluchistan and parts of Assam joining the seceding parts of India.

The referendum in the N.W.F. had taken place in opposition of the strong protest and boycott of the party in power there, Dr. Khans party, who had only recently been returned in a clear majority in the provincial elections.

The Indian Independence Act was passed by the British Parliament in July 1947 and on 14th August, M.A. Jinnah was declared the Governor General of Pakistan.

RIOTS – PARTITION-RIOTS

During 1946-47, while the political settlement was keeping our leaders feverishly busy, the situation on the ground was anything Jut good. Communal strife resulting from the Muslim League's attitude had become the order of the day.

LEAGUE'S DIRECT ACTION

In pursuance of its resolution passed on July 29, the Muslim League had fixed August 16 as 'Direct Act-ion Day', to be observed by Muslims all over the country. Demonstrations were organized on a large scale, and in Bengal, the day was declared a public

holiday by the League Ministry in spite of protests from all classes outside the League. The day opened in Calcutta with rioting, loot, murder and arson, which lasted for several days causing immense loss of life and property. Communal rioting broke out in several other places also. The riots in Calcutta were followed shortly afterwards by a very serious outbreak in East Bengal, in the district of Noakhali which spread to the adjoining districts of Comilla, Chittagong, Dacca, etc The Hindus suffered terribly. The news of the atrocities committed in Calcutta and in Noakhali reached Bihar from where large numbers used to go to Bengal for employment and there was very serious rioting in Bihar, and in 'some parts of the U.P. Some time later, the riots started in the North West Frontier Province and the Punjab where the Hindu and the Sikhs were subjected to tremendous loss of life and property.

GANDHIJI IN NOAKHALI

In November, 1946, reports of large scale disturbances in Noakhali shook Gandhiji as he rushed from Delhi to Calcutta on his way to Naokhali. In Calcutta, he heard about the disturbances in Bihar. Gandhiji's threat to fast unto death and the energetic efforts of the Interim Government did bring about a quick end to riots in Bihar. In Naokhali, Gandhiji went about staying in Muslim houses, trekking from place to place In the special batch of his chosen companions and workers there were several young women, Sushila Nair, his granddaughter and daughter-in law, Sucheta and a Muslim lady, Bhen Amtul Salam.

Dr. Pattabhi describes the role of Gandhiji in Noakhal.i as follows:

"In all this harrowing tale of woe, of families wiped out, villages burnt, women raped, abducted and forcibly married, in this tragedy which has outdone the tragedies of history, the notorious Armenian massacres of old, the Black and Tan pogroms of Ireland, and the more recent slaughter of Jews in Germany, there remains but one bright spot, one shining light, one solitary individual, marching alone and unfriended, melancholy and slow throughout the marshes of East Bengal, witnessing forborne houses by the thousand and forsaken families by the million, carrying

however with him the torch of hope and peace, exhorting people to shed fear, and learn to believe, dwelling upon the essential good in human nature and the ultimate triumph of love over hatred, holding aloft the torch of Truth in the midst of untruth, of light in the midst of darkness and of life in the midst of death."

RIOTS SPREAD

But while Gandhiji's work at Noakhali was having a sobering effect in Bengal Bihar and U P it was considered by the League as a sabotage of its doctrine of hatred and two nations. On the day Direct Action had been inaugurated by the League at Delhi, Mr. Feroz Khan Noon and Mr. Ghazanfar Ali prophesied happenings that would put the memory of Changiz and, Qatlu Khan into shade. These prophecies were soon realised in the' districts of Rawalpindi and Multan. These districts had been 'the recruiting ground of the British Indian army, with most backward, fanatical and ignorant people. Many of these ex-servicemen had arms and the war had brutalised them even more. Across the border were the backward frontier districts, ever ready for loot and rapine.

The minority communities, Sikhs and Hindus were either in the towns or in isolated small pockets and had lived peacefully for generations with their neighbours. Then suddenly these villages found themselves surrounded by thousands of armed gangs of marauders. The villages were looted, and burnt; men, women and chil4ren maimed and killed, women abducted and dish9noured. Many women jumped into wells or burnt themselves and men shot their own families to save them from torture and dishonour. Charigiz and Qatlu Khan would blush in their graves if their names were associated with such doings as were enacted at Rawalpindi and Multan.

These things went on with Impunity and photographs published later in the press, taken from air, showed columns of armed with rifles, some with camels and horses carrying their booty swarming the countryside below. Military aid reached the surviving villages but later. The tales of horror, that were carried by those who escaped, kindled a fire that was later to blaze into a conflagration.

These ghastly happenings were taking place when the League had already joined the Interim Government at the Centre. The League was playing a double role. While on the one hand it openly preached violence and *jehad* against non-Muslim's, at the same time it held office in the provinces and at the centre controlling police and justice. On being asked his opinion about this, Gandhiji had demand this grave anomaly. "It is so bad that it cannot last long", he had said.

CONGRESS ACCEPTS MOUNTBATTEN PLAN

In fact it was the horror of this fratricidal war and the failure of the experiment of a composite Government at the centre that ultimately induced the Congress leaders to accept the Mountbatten Plan with severing of some parts, but lesser parts than Jinnah's original demand. Similar earlier offer by Rajaji's formula had been turned down by Jinnah as a "truncated and moth-eaten" Pakistan.

Gandhiji had taken up a stand against vivisection, but recognised that alternative was revolution, or a civil war on one side and a new fight with the British who supported the League demand. The ever-increasing and ever-deepening chain of communal disturbances involving mass murder, arson or loot accompanied by unthinkable atrocities and horrors obliged the Congress Working Committee to consider the entire communal and political situation afresh. The only way out of the difficulty appeared to be the partitioning of India. Jawaharlal Nehru referred to this fact in these words on 3rd of June, 1947: "There has been violence, shameful, degrading and revolting violence in various parts of the country. This must end." The country, its press and leaders of all schools were taken by surprise and in the majority expressed disapproval and dismay at the acceptance by the Congress of a scheme of division. In the A.I.C.C. meeting, however, there was scarcely any opposition excepting by the valiant fight put up by Sri Purshotam Das Tandon.

Nehruji had explained that the alternative was murder. It was not a question of being afraid of being killed, but the killing on both sides was of your own people. Sard Patel said that it was decided to amputate a limb rather than allow the poison to affect the whole body. The A.I.C.C. members including Rajendra Babu

expressed their conviction that the decision would restore good arid that with it and the force of economic and other factors there would be a reunion at an early date. The Congress was not happy about the partitioning of India as it had consistently fought for 4he liberation of a united India The following words of Jawaharlal Nehru give an Idea of the working of his inner mind; "For generations we have dreamt and struggled for a free and independent united India. The proposal to allow certain parts to secede, if they so will, is painful for any of us to contemplate.

The poison, it would seem, had became too deep and widespread that the acceptance of Pakistan, instead of having a sobering effect and bringing peace, unleashed the forces that League had been rearing and a fast-developing story of bloodshed, hatred and lawlessness overshadowed the parts that were feeling the glow of the coming Pakistan. It would also seem that the evil star of India had not ceased to have its baneful influence even while it was setting. The then Punjab Government had the worst type of die-hard civilian officers. They must have found it hard to reconcile themselves to their throwing away of the Empire Some of the Governors like Khizar Hayat Khan tried to tip the balance in favour of the League. The Muslim police and officers had had a free hand inspite of various protests of the minority community. The hidden official hand in spreading of riots was clearly discernable and the worst affected areas were those with European District Officers.

With the opening of the Boundary Commission, these communal riots reached another phase. Hopes were held to some communities of more justice being done, on the basis of the 'Other Factors clause but these were sadly belied in the Boundary award. The patience of the communities was completely exhausted. Tins started a train of incidents of increasing ferocity and magnitude till these merged into an all-out war of one community against the other some unspeakable horrors were committed against women by both sides. The Boundary Commission seem to have added to the strife by taking sides.

CRISIS IN INDIA'S SOUL

Thus on the threshold of our freedom, a mounting crisis of frenzy and madness was spreading devastation in the Punjab and

for the Sikh and Hindu population of N.W.F.P., Baluchistan and Sindh. Loot and arson, abduction and forcible contusions were going on a mass scale, soon began, a two way tract of miserable, terror-stricken men and women from one part of the country to the other. Many dropped on the roadside out of hunger and exhaustion. Many were killed or abducted on the way. In long straggling trails of pedestrians cattle, bullock tarts dragging its weary course, uprooted from their ancestral homes, bereft of lands, houses and all belongings, living in momentary terror of marauding bands, people began to move from the two directions to establish Mr. Jinnah's dream of two nations Many million people were thus forced to leave their homes, mostly with bare clothes on their backs, to seek shelter in refugee camps that were by then springing up, and live on such charity as was available.

This Crisis in India s Soul as Nehru put it had almost synchronised with August 15th, though the peak was to come a few days later. Thus we came to live the most humiliating chapter in India's long' history on the eve of her greatest glory.

This human earthquake as Nehru called it had affected not only those who were its victims directly, but had shaken all our cherished ideals and the structure ol our national life to its foundations.

"ONE BRIGHT FLAME"

Recalling the happenings Pandit Nehru said:

'Freedom came to us and it came with minimum of violence. But immediately after, we had to wade though oceans of blood and tears Worse than the blood and tears was the shame and disgrace that accompanied them. Where were our values and standards then, where was our old culture, our humanism and spirituality and all that India had stood for in the past? Suddenly darkness descended upon this land and madness seized the people.

"Fear and hatred blinded our minds and all the restraints which civilization imposes were swept away. Horror piled on horror and a sudden emptiness seized us at the brute savagery of human beings The lights seemed all to go out; not all, for a few still flickered in the raging tempest. We sorrowed for the dead and

the dying and for those whose suffering was greater than that of death. We sorrowed even more for India, our common mother, for whose freedom we had laboured these long years.

"The lights seemed to go out but one bright flame continued to burn and shed its light on the surrounding gloom and, looking at that pure flame strength and hope returned to us and we felt that whatever momentary disaster might overwhelm our people, there was the spirit of India strong and unsullied, rising above the turmoil of the present and not caring for the petty exigencies of the day.

"How many of you realise what it has meant to India to have the presence of Mahatma Gandhi during these months? We all know of his magnificent services to India and to freedom during the past half-century and more. But no service could have been greater than what he has performed during the past four months when, in a dissolving world, he has been like a rock of purpose and a lighthouse of truth, and his firm, low voice has risen above the clamours of the multitude, pointing out the path of rightful endeavour."

3

The Dawn of Freedom

The suffering and the sacrifices of countless men and women finally bore fruit and India woke up to freedom on the midnight of August 14-15. The travails and tribulations had come to an end. The joyous moment of having broken off the shackles of subjugation was there inspite of the pain and agony of Partition. The time had come when we could look forward to the sun of freedom and the opportunity that freedom brings.

The ceremony of the Assumption of Power by India through her chosen representatives in the Constituent Assembly which had begun its Constitution-making activity on Dec. 9, 1946, was fixed to take place on the midnight of August 14-15. The time chosen was perhaps to commemorate another midnight session, equally memorable, when a similar hazardous journey was undertaken and equally solemn dedication made. Some of the very men and women who took part in the drama on August 14-15-and many others who thronged and cheered on the road outside and lit lamps and put up flags and festoons in towns and villages, had taken part in that earlier session and in the struggle that began on that midnight of Dec. 31. 1929-Jan. 1, 1930 in Lahore.

And yet how different was the setting. The city of thatch and canvass on the banks of the Ravi the biting winter night and this gilded chamber, air-conditioned, lit by chandelier lights, the decorous benches and galleries. What a tame picture they make when we recall the tumultuous scenes, the midnight revelry led by the Rashtrapati himself, from camp to camp on that earlier midnight. It was strange that a revolution had culminated in this way and an event of such colossal historical importance as the

freedom of 400 million people was recorded in this brief manner. The session in the chamber began at 10-45 P.M. The galleries were full of a colourful crowd. A surging mass had gathered outside. The proceeding commenced with the 'Bande Mataram sung by Mrs. Sucheta Kripalani, the wife of the then Congress President. This was followed by a brief opening address by the President of the Consembly, Dr. Rajendra Prasad, Pandit Nehru then moved the pledge. He made a stirring speech with deep emotion. The motion was seconded by Chaudhury Khaliquzzaman and supported by Dr. S. Radhakrishnan. The members of the Constituent Assembly took the pledge of dedicating themselves "to the service of India and her people to the end so that this ancient land attain her rightful and honoured place in the world and make lie, lull and willing contribution to the promotion of world peace and welfare of mankind.

The pledge was read out by Dr. Rajendra Prasad first in Hindi and the in English and repeated sentence by sentence by members rising in their seats, followed In blowing conch-shells and lusty shouts of ''Mahatama Gandhi Ki Jai."

Before Pandit Nehru moved the pledge: a two minute silence was observed memory of those who died in the struggle for freedom in India and elsewhere.

Dr. Rajendra Prasad moved the following resolution from the Chair admist thunderous cheer, and acclamation:

> *"I propose that it will be intimated to his Excellency the viceroy that Constituents Assembly of India has assumed the power for the Government of India, and the Constituent Assembly of India has endorsed the recommendation that Lord Mountbatten be the Governor-General of India from August 15, 1947, and that lb is message be conveyed forth with to Lord Mount batten by the President and Pantdit Nehru."*

The house approved it admist acclamation. Mrs. Hansa Mehta then presented the National Flag of India to the Indian Constituent Assembly. In presenting the Flag to Dr. Rajendra Prasad, Mrs. Mehta said: ''it is in the fitness of things that the first flag that is flying over this august House should be the gift from the women of India.'

Dr. Prasad showed the Flag round. Proceeding came to a close with the singing of "Hindustan Hamara", a poem by Dr. lqbal and "Janaganamana Adhinasaka" by Rabindranath. Mrs. Sucheta KrIpalani conducted the chorus.

A TRYST WITH DESTINY

Moving the resolution prescribing an oath for the members in the Constituent Assembly, free India's first Prime Minister, Pandit Jawaharlal Nehru, declared:

> *Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. it is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger ca of humanity.*
>
> *At the dawn of history India started on her unending quest, and trackless centuries are filled with her striving and the grandeur of her success and her failures. Through good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune and India discovers herself again. The achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievements that await us. Ire we brave enough and wise enough to grasp this opportunity and accept the challenge of the future?*
>
> *Freedom and power bring responsibility. That responsibility rests upon this Assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the me of this sorrow. Sonic of those pains continue non Nevertheless, the past is over and it is the future that beckons to us now.*
>
> *That future is not one of these or resting by incessant striving so that we may fulfil the pledges be have so often taken and the*

one we shall take today. The service of India means the serve of the million who suffer. It means the ending of poverty and ignorance and d and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may he beyond us as there are tears and-suffering, so long our work will not be over.

And so we have to labour and to work, and work hard, to give reality to our dreams. Those dreams are for India, but they are also for the world, for all the nations and peoples are too closely knit together today for any one of them to imagine that it can live apart. Peace has been said to he indivisible: so is freedom, so is prosperity now, and so also is disaster in this One World that can no longer be split in to isolated fragments.

To the people of India, whose representatives we are, we make an appeal to join us with faith and confidence in this great adventure. This is no time for petty and destructive criticism, no time for ill-will or blaming other. We have to build the noble mansion of free India where all her children may dwell.

INDIAN COUNCILS ACT OF 1892

1. (1) The number of additional members of Council nominated by the Governor-General under the provisions of section ten of the Indian Councils Act, 1861, shall be such as to him may seem from time to time expedient, but shall not be less than ten nor more than sixteen; and the number of additional members of Council nominated by the Governors of the Presidencies of Fort St. George and Bombay respectively under the provisions of section twenty-nine of the Indian Councils Act 1861, shall (besides the advocate general of the Presidency or officer acting in that capacity) be such as to the said Governors respectively may seem from time to time expedient, but shall not be less than eight nor more than twenty.

(2) It shall be lawful for the Governor-General in Council by proclamation from time to time to increase the number of councillors whom the Lieutenant-Governors of the Bengal Division of the Presidency of Fort William and of the North-Western Provinces and Oudh respectively may nominate for their assistance in making laws and regulations: Provided always that not more than twenty shall be nominated for the Bengal Division, and not more than fifteen for the North-Western Provinces and Oudh.

(3) Any person resident in India may be nominated an additional member of Council under sections ten and twenty-nine of the Indian Councils Act, 1861, and this Act, or a member of the Council of the Lieutenant-Governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations, have been or are hereafter extended or made applicable.

(4) The Governor-General in Council may from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor-General, Governors, and Lieutenant-Governors respectively, and prescribe the manner in which such regulations shall be carried into effect.

2. Notwithstanding any provision in the Indian Councils Act, 1861, the Governor-General of India in Council may from time to time make rules authorizing at any meeting of the Governor-General's Council for the purpose of making laws and regulations the discussion of the annual financial statement of the Governor-General in Council and the asking of questions, but under such conditions and restrictions as to subject or otherwise as shall be in the said rules prescribed or declared: And notwithstanding any provisions in the Indian Councils Act, 1861, the Governors in Council of Fort St. George and Bombay respectively, and the Lieutenant-Governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations, have been or are hereafter extended or made applicable, may from time to time make rules for authorizing at any meeting of their respective councils for the purpose of making laws and regulations the discussion of the annual financial statement of their respective local governments, and the asking of questions, but under such conditions and restrictions, as to subject or otherwise, as shall in the said rules applicable to such Councils respectively be prescribed or declared.

But no member at any such meeting of any Council shall have power to submit or propose any resolution, or to divide the Council in respect of any such financial discussion, or the answer to any

question asked under the authority of this Act, or the rules made under this Act: Provided that any rule made under this Act by a governor in council, or by a lieutenant-governor, shall be submitted for and shall be subject to the sanction of the Governor-General in Council, and any rule made under this Act by the Governor-General in Council shall be submitted for and shall be subject to the sanction of the Secretary of State in Council: Provided also that rules made under this Act shall not be subject to alteration or amendment at meetings for the purpose of making laws and regulations.

3. It is hereby declared that in the twenty-second section of the Indian Councils Act, 1861, it was and is intended that the words 'Indian territories now under the dominion of Her Majesty' should be read and construed as if the words 'or hereafter' were and had at the time of the passing of the said Act been inserted next after the word 'now'; and further that the Government of India Act, 1833, and the Government of India Act, 1853, respectively, shall be read and construed as if at the date of the enactment thereof respectively it was intended and had been enacted that the said Acts respectively should extend to and include the territories acquired after the dates thereof respectively by the East India Company, and should not be confined to the territories at the dates of the said enactments respectively in the possession and under the government of the said Company.

4.(1) If any additional member of Council, or any member of the council of a lieutenant-governor, appointed under the said Act or this Act, shall be absent from India or unable to attend to the duties of his office for a period of two consecutive months, it shall be lawful for the Governor-General, the Governor, or the Lieutenant-Governor, to whose council such additional member or member may have been nominated (as the case may be) to declare, by a notification published in the Government Gazette, that the seat in Council of such person has become vacant:

(2) In the event of a vacancy occurring by the absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, of any such additional member or member of the council of a Lieutenant-Governor, it shall be lawful for the Governor-General, for the Governor, or for the Lieutenant.

Governor, as the case may be, to nominate any person as additional member or member, as the case may be, in his place; and every member so nominated shall be summoned to all meetings held for the purpose of making laws and regulations f or the term of two years from the date of such nomination: Provided always that it shall not be lawful by such nomination, or by any other nomination made under this Act, to diminish the proportion of non-official members directed by the Indian Councils Act, 1861, to be nominated.

5. The local legislature of any province in India may from time to time, by Acts passed under and subject to the provisions of the Indian Councils Act, 1861, and with the previous sanction of the Governor-General, but not otherwise, repeal or amend as to that province any law or regulation made either before or after the passing of this Act by any authority in India o6er than that local legislature; Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of the Indian Councils Act, 1861, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this section.

6. In this Act-The expression 'local legislature' means- (1) The Governor in Council for the purpose of making laws and regulations of the respective provinces of Fort St. George and Bombay; and (2) The council for the purpose of making laws and regulations of the Lieutenant-Governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws or regulations have been or are hereafter extended or made applicable:

The expression 'province' means any presidency, division, province, or territory over which the powers of any local legislature for the time being extend.

7. Nothing in this Act shall detract from or diminish the powers of the Governor-General in Council at meetings for the purpose of making laws and regulations.

8. This Act may be cited as the Indian Councils Act, 1892, and the Indian Councils Act, 1861, and this Act may be cited together as the Indian Councils Acts, 1861 and 1892.

THE STATE LEGISLATURE-ORIGIN AND EVOLUTION

Brief History Before Independence

The genesis of the Legislature in India can be traced back to the eighteenth century, when the present Tamil Nadu was a residuary part of the then erstwhile Madras Presidency. The said Presidency comprised of the present Tamil Nadu some parts of the present states of Orissa, Kerala, Karnataka and present Andhra Pradesh excluding the former native state of Nizam. Besides, Madras Presidency, there were two other Presidencies, viz, Presidency of Bombay and Presidency of Calcutta. Each Presidency was in charge of a Governor and were independent of each other. In 1773, the British Parliament enacted the Regulating Act, 1773, whereby the Governor of Bengal was designated as the Governor-General and made the supreme head of all the Presidencies. At about the same time, the legislative power in the Presidencies was also recognized.

The Charter Act of 1833, provided for the addition of a fourth member to the Governor-General in Council for the sole purpose of Legislation, and concentrated all the legislative powers in the Governor-General-in Council. It deprived the local government (Presidencies) of their power of independent legislation. The Presidency Governments were authorised merely to submit drafts or projects of any laws regulations deemed expedient or necessary to the Governor-General-in Council.

The Charter Act of 1853, which marked the next stage in the evolution of the Legislatures, made the Law Member of the Governor-in-Council a full member and enlarged the Governor-General's Council for legislative purposes by the addition of the Chief Justice of Bengal, one other Supreme Court Judge and one paid representative of each Presidency or Governor's Province. In all the Governor-General-in Council consisted of 12 Members. This enlarged Council paved the way for establishing the first Legislative body in India. From 1833 to 1861, the Governor General in Council was the sole administrative as well as the Legislative authority.

The Indian Councils Act of 1861 constituted a great landmark in the growth and development of the Legislatures. The Act for

the first time associated with the Governor-General's Executive Council and the Executive Councils of Madras and Bombay, a small number of additional members half of them being non-officials and provided for the addition of not less than six and not more than 12 nominated members to the Governor-General's Council and the functions of the new Legislative Council were limited wholly to legislation. This Act restored the legislative power taken away by the Charter of 1833. The Legislative Council of the Madras Presidency was given the power to make laws for the "peace and good government." The Council of the Governor of Madras was enlarged for the legislative purposes by the addition of the Advocate-General and four to eight adhoc members of whom atleast half were to be non-officials nominated by the Governor for a period two years. The Act thus sowed the seed for the future Legislative as an independent entity separate from the Executive Council. The Provincial Legislative Councils established were mere advisory bodies by means of which Government obtained advice and assistance. The Provincial Legislative Council could not interfere with the laws passed by the Central Legislature.

The next milestone in the evolution of the Legislatures was reached when the Indian Councils Act of 1892 was passed by which the number of additional members of the Central Legislature was raised to a maximum of 16 and the number of additional members of the Madras Legislative Council was raised to a maximum of 20, of which not more than nine had to be officials. Non-official Members were recommended by the district boards, universities, municipalities and other associations. This Act enlarged the functions of the Council in two respects, namely, the Council could discuss the annual financial statement and ask questions subject to certain limitation. Members were to hold office for two years.

The seed sown by the Act of 1861 was quickened into life by the Act of 1909, popularly known as Minto-Morely Reforms. The Act still further enlarged the Legislative Councils both of the Governor-General and of the provinces. It introduced for the first time the method of election, though not direct election, and thus helped to quicken into life the seed of representative

institutions. It dispensed with official majorities in the Provincial Legislative Councils and gave them power to move resolutions upon matters of general public interest and also upon the Budget and to ask supplementary questions. The additional members of the Governor-General Council were increased from 16 to a maximum of 60 and those of the Madras Council from 20 to a maximum of 50. Thus the Act carried constitutional development a step further.

The Government of India Act of 1919, which embodied the Montagu-Chelmsford Reforms is but the natural and inevitable sequel to the long chapter of previous Parliamentary Legislation on the introduction of Representative Government in India with Legislatures composed of elected representatives of the people. The most important feature of the Act was the introduction of the system of dyarchy in the Provinces. Subjects were classified as Central and Provincial and in regard to provincial matters a further division was made into "transferred subjects" administered by the Governor and his ministers responsible to the Legislative Council and "reserved subjects" administered by the Governor and his Executive Council. The Governor could override both the Ministers and the Executive Council. The proportion of elected members of the Provincial Legislative Council was raised to over 70 per cent. The Legislative power of the Council extended to Provincial matters only.

Every law of the Provincial Legislature for its validity required the assent of Governor-General as well as the Governor. The Governor could not be a member of the Legislative Council, but he could address the members in the Legislative Council. The Governor appointed the Speaker of the Legislative Council for the first four years and thereafter the members of the Legislative Council elected the Speaker. However, the Deputy Speaker of the Legislative Council was elected by the members of the Legislative Council and the appointment ratified by the Governor.

In the Centre, however, the principle of responsible Government was not introduced. The Central Legislature thereafter called the Indian Legislature was reconstituted on enlarged and more representative character. It consisted of the Council of State consisted of sixty members of whom 34 members

were elected and the Legislative Assembly consisted of about 145 members, of whom about 104 were elected and the rest nominated. Of the nominated members about 26 were officials. The powers of both the Chambers of the Indian Legislature were identical except that the power to vote supply was granted only to the Legislative Assembly.

Although this Act brought about representative Government in India, the Governor was empowered with overriding powers. If he considered that any Bill, which was to be introduced or already introduced, would endanger the security or disturb peace and tranquility in any part of the province he could reject the bill. Similarly, if the members of the Legislative Council decided to reject a bill relating to the reserved subjects or the recommendations of the Governor, the Governor could certify that such a bill was very essential for the functioning of the Government and then the Bill was deemed to have obtained the sanction of the Legislative Council.

The Madras Legislative Council

The Madras Legislative Council was set up in 1921 under the Government of India Act 1919. The term of the Council was for a period of three years. It consisted of 132 Members of which 34 were nominated by the Governor and the rest were elected. It met for the first time on the 9th January 1921 at Fort St. George, Madras. The Council was inaugurated by the Duke of Cannaught, a paternal uncle of the King of England, on the 12th January 1921 on the request made by the Governor Lord Wellington. The Governor addressed the Council on the 14th February 1921. The Second and Third Councils, under this Act were constituted after the general elections held in 1923 and 1926 respectively. The fourth Legislative Council met for the first time on the 6th November 1930 after the general elections held during the year and its life was extended from time to time and it lasted till the provincial autonomy under the Government of India Act, 1935 came into operation.

Bi-Cameral Legislature

The Government of India Act 1935, marked the next great stride in the evolution of the Legislatures. The Act provided for

an All-India Federation and the constituent units of the Federation were to be the Governor's Provinces, and the Indian States. The accession of the State to the Federation was optional. The Federal Legislature was to consist of two Houses, the House of Assembly called the Federal Assembly and the Council of States. The Federal Assembly was to consist of 375 members, 125 being representatives of the Indian States, nominated by the Rulers. The representatives of the Governor's provinces were to be elected not directly but indirectly by the Provincial Assemblies. The term of the Assembly was fixed as five years. The Council of State was to be a permanent body not subject to dissolution, but one-third of the members should retire every three years. It was to consist of 260 members. 104 representatives of Indian States, six to be nominated by the Governor-General, 128 to be directly elected by territorial communal constituencies and 22 to be set apart for smaller minorities, women and depressed classes. The two Houses had in general equal powers but demands for supply votes and financial Bills were to originate in the Assembly.

The Act established a bi-cameral Legislature in the Province of Madras as it was then called and provided for responsible Government subject to two limitations, namely, (1) special responsibilities were given to the Governor in regard to certain matters save as regards Finance and (2) certain matters were placed entirely outside ministerial control and within the absolute discretion of the Governor.

The Legislature consisted of the Governor and the two Chambers called the Legislative Council and the Legislative Assembly. The Legislative Council was a permanent body not subject to dissolution but as nearly as one-third of the members thereon retired every three years. It consisted of not less than 54 and not more than 56 members composed of 35 general seats, 7 Mohammedan seats, 1 European seat, 3 Indian Christian seats, and not less than 8 and not more than 10 nominated by the Governor. The Legislative Assembly consisted of 215 members of which, 146 were elected from general seats of which 30 seats were reserved for Scheduled Castes, 1 for Backward areas and tribes, 28 for Mohammedans, 2 for Anglo-Indians, 3 for Europeans, 8 for Indian Christians, 6 for representatives of Commerce and

Industry, etc., 6 for Landholders, 1 for University, 6 for representatives of labour, 8 women of which, 6 were general.

The Act made a division of powers between the Centre and the Provinces. Certain subjects were exclusively assigned to the Central or Federal Legislature, others to the Provincial Legislatures and in regard to another field, the two had concurrent powers.

The Federal structure contemplated in the Act did not come into being and so the Government of India Act, 1919, continued to be in force as far as the Central Legislature was concerned.

Although the Government of India Act was passed in 1935, only that part relating to the Provinces came into operation in 1937. The first Madras Legislative Assembly under this Act was constituted in July 1937 after general elections. The Congress party in the Legislature formed the Government. The Ministry however resigned in October, 1939 due to the proclamation of emergency on account of world war-II and the Legislature ceased to function. After the war was over, the General Elections were held in March, 1946 under the Government of India Act, 1935. The first Session of the Second Legislative Assembly under the Government of India Act, 1935 constituted in 1946, met on the 24th May 1946. After prolonged negotiations, the British transferred power under Lord Mountbatten Plan and the Indian Independence Bill was presented to the British Parliament on July 4th 1947 and was passed by the Parliament on July 18th 1947 and the transfer of power took place on 14/15 August, 1947.

The Indian Independence Act 1947, constituted the culmination of the origin and growth of the Indian Legislatures from modest expansions of the Executive Councils of the Governor-General and the Governors in the Provinces into separate sovereign legislative bodies. The Act created two independent Dominions in India known respectively as India and Pakistan. The paramountry of the British Crown lapsed and the power of the British Parliament to legislate for India ceased. The federal Legislature of India became sovereign and the power of the Legislature became exercisable by the Constituent Assembly which was not subject to any limitation whatsoever. Until the new Constitution was framed, the Government of India Act of 1935, subject to certain adaptations and modifications, remained the

Constitutional Law of India. The Constitution of India came into force with effect from 26th January 1950 and the existing Legislature was allowed to function as provincial Legislatures.

Development After Independence

The First Legislature of the erstwhile Madras State under the Constitution of India was constituted on 1st March 1952, after the first General Elections held in January 1952 on the basis of adult suffrage.

According to the Delimitation of Parliament and Assembly Constituencies (Madras) Order, 1951 made by the President under section 6 and 9 of the Representation of the People Act, 1950, the then Composite Madras Assembly consisted of 375 seats to be filled by election distributed in 309 Constituencies-243 single members Constituencies, 62 double member Constituencies in each of which a seat had been reserved for Scheduled Castes and four two-member Constituencies in each of which a seat had been reserved for Scheduled Tribes. Three seats were uncontested. The elections were contested only in respect of remaining 372 seats, and one Member was nominated by the Governor under Article 333 of the Constitution to represent the Anglo-Indians.

On the 1st October 1953, a separate Andhra State consisting of the Telugu speaking areas, of the Composite Madras State was formed and the Kannada speaking area of Bellary District was also merged with the then Mysore State with effect from the above date and as a consequence, the strength of the Assembly was reduced to 231. The States Reorganisation Act 1956 came into effect from the 1st November 1956 and consequently the constituencies in the erstwhile Malabar districts were merged with the Kerala State and as a consequence the strength of the Assembly was further reduced to 190. The Tamil speaking area of Kerala (the present Kanniyakumari District) and Shencottah taluk were added to Madras State. Subsequently, according to the new Delimitation of Parliamentary and Assembly Constituencies Order, 1956, made by the Delimitation Commission of India under the provisions of the State Reorganisation Act, 1956, the strength of the Madras Legislative Assembly was raised to 205 distributed in 167 territorial constituencies, 37 two-member constituencies in

each of which a seat had been reserved for Scheduled Castes and 1 two-member constituency in which a seat had been reserved for Scheduled Tribes.

The Second Legislative Assembly which was constituted on the 1st April 1957 after the General Elections, held in March 1957 consisted of 205 elected Members besides one nominated Member. During the term of the Assembly in 1959, as result of the adjustment of boundaries between Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959, one member from the Andhra Pradesh Legislative Assembly was allotted to Madras and consequently the strength of the Madras Assembly was increased to 206.

During 1961, by the Two-Member Constituencies(Abolition) Act, 1961, the 38 double-member Constituencies were abolished and an equal number of single-member constituencies were reserved for Scheduled Castes and Scheduled Tribes. However, there was no change in the strength of territorial constituencies in Madras Assembly which had remained as 206.

The Third Assembly was constituted on the 3rd March 1962 after the General Elections held in February, 1962. The strength of the Assembly continued to be 206. By the Delimitation of Parliamentary and Assembly Constituencies Order, 1965, the number of territorial constituencies in Madras was increased to 234, out of which forty-two seats were reserved for Scheduled Castes and two seats for Scheduled Tribes besides one member to be nominated from the Anglo-Indian Community under Article 333 of the Constitution of India.

CHANGE IN NOMENCLATURE

The Fourth Assembly was constituted on the 1st March 1967 after the General Elections held in February 1967. It consisted of 234 territorial Constituencies of which 42 had been reserved for the Scheduled Castes and 2 for Scheduled Tribes besides one nominated Member. During the term of this Assembly on the 18th July 1967, the House by a resolution unanimously adopted and recommended that steps be taken by the State Government to secure necessary amendment to the Constitution of India to change the name of Madras State as "Tamil Nadu". Accordingly, the Madras State (Alteration of Name) Act, 1968 (Central Act 53

of 1968) was passed by the Parliament and came into force on the 14th January 1969. Consequently, the nomenclature "Madras Legislative Assembly" was changed into "Tamil Nadu Legislative Assembly".

From 1967 onwards, the strength of the Assembly continued to remain as 234 besides a nominated member.

The Fifth Assembly was constituted on 15th March 1971 after the General Elections held in March 1971. It consisted of 234 elected members of which 42 seats were reserved for Scheduled Castes and 2 for Scheduled Tribes besides one nominated member. Before the expiry of the period of the Assembly, the President by a Proclamation issued on the 31st January 1976, under article 356 of the Constitution, dissolved the Fifth Assembly and imposed President's Rule for the first time in Tamil Nadu.

After the General Elections held in June 1977, the Sixth Assembly was constituted on the 30th June 1977. It consisted of 234 territorial constituencies as delimited in the order of Delimitation Commission No.31, dated 1st January 1975 with reference to 1971 Census population figures, of which 42 seats were reserved for the Scheduled Castes and 2 seats reserved for Scheduled Tribes. Before the expiry of the period of Assembly, the President by a Proclamation issued on the 17th February 1980 under Article 356 of the Constitution, dissolved the Sixth Assembly and imposed President's Rule in Tamil Nadu.

During the year 1979, '157. Uppiliapuram General Constituency' was converted into '157. Uppiliapuram (S.T.) Constituency' by way of an amendment to the Delimitation of Parliamentary and Assembly constituencies Order, 1976 (Without altering the extent of any constituency given in such order).

The Seventh Assembly was constituted on the 9th June 1980 after the General Elections held in May 1980 for the constituencies delimited on the basis of Census Population of 1971. It consisted of 234 Assembly Constituencies out of which forty-two seats were reserved for Scheduled Castes and three seats for Scheduled Tribes.

The Eighth Assembly was constituted on the 16th January 1985 after the General Elections held on the 24th December 1984. Before the expiry of the period of Assembly, the President by a proclamation issued on the 30th January 1988, under Article 356 of the Constitution dissolved the Eighth Tamil Nadu Legislative Assembly and imposed President's Rule in Tamil Nadu.

During the term of Eighth Assembly, A Government resolution seeking to abolish the Legislative Council was moved and adopted by the House on the 14th May 1986.

Thereafter, Tamil Nadu Legislative Council(Abolition) Bill, 1986 was passed by both the Houses of Parliament and received the assent of the president on the 30th August 1986. The Act came into force on the 1st November 1986. The Tamil Nadu Legislative Council was thus abolished with effect from the 1st November 1986.

The bi-cameral Legislature established in 1937 under the Government of India Act, 1935 has become a unicameral Legislature in Tamil Nadu from the 1st November 1986 onwards.

The Ninth Tamil Nadu Legislative Assembly was constituted on the 27th January 1989 after the General Elections held on the 21st January 1989. Before the expiry of the term of the Assembly, the President by a Proclamation issued on the 30th January 1991, under Article 356 of the Constitution of India dissolved the Ninth Tamil Nadu Legislative Assembly and imposed President's Rule in Tamil Nadu.

During the term of the Ninth Assembly a Government Resolution seeking the revival of the Tamil Nadu Legislative Council was moved and adopted by the house on the 20th February 1989.

Thereafter, the Legislative Council Bill, 1990 seeking the creation of Legislative Councils of the Tamil Nadu and Andhra Pradesh was introduced in Rajya Sabha on the 10th May 1990 and was considered and passed by the Rajya Sabha on the 28th May 1990. But the Bill could not be passed by the Lok Sabha.

The Tenth Tamil Nadu Legislative Assembly was constituted on the 24th June 1991 after the General Elections held on the 15th June 1991. The First Meeting of the First Session of the Tenth Legislative Assembly commenced on the 1st July 1991 and therefore its term would have expired on the 30th June 1996. But in as much as the General Elections to the Eleventh Tamil Nadu

Assembly had been held on the 27th April 1996and 2nd May 1996, the Tenth Assembly was dissolved on the Forenoon of 13th May 1996 by the Governor.

During the term of the Tenth Assembly, a Government Resolution was adopted in the Assembly on the 4th October 1991 to rescind the Resolution passed on the 20th February 1989 for the revival of the Legislative Council in the State of Tamil Nadu.

The Eleventh Tamil Nadu Legislative Assembly was constituted on the 13th May 1996 after the General Elections held on the 27th April 1996 and 2nd May1996. The First meeting of the First Session of the Eleventh Tamil Nadu Legislative Assembly commenced on the 22nd May 1996 and the term would obviously expire on 21st May 2001. But in as much as the General Elections to the Twelfth Tamil Nadu Legislative Assembly had been held on 10th May 2001 the Eleventh Tamil Nadu Legislative Assembly was dissolved on the 14th May 2001, by the Governor.

During the term of the Eleventh Assembly a Government Resolution was moved and adopted in the Assembly on 26th July, 1996 seeking creation of a Legislative Council in the Tamil Nadu State.

After the annexation of the kingdom of the Bhosles, resident Mansel was appointed as the first Commissioner of Nagpur on 13-3-1854. The English directly assumed the administration of Nagpur in which they had been taking keen interest for their own political gains since the treaty of Devaganv. The Central Provinces were formed into a new administrative unit in 1861. Comprising Nagpur, Chanda, Bhandara, Chindavada, Raipur (Chattisgadh) Sironja with their dependencies Bastar and Kuronda-these formed the Nagpur territory;and sagar, Damoh, Jubbulpore, Mandla, seoni Baitul, Narsimhapur and Husangabad-these formed the Sagar-Narmada territories.

From the map of this period it seems that Nagpur then extended up to the Wardha river. The territory up to the western bank of Wardha granted to the Nizam by the treaty of Devaganv-1803, was annexed by Dalhousie on the plea that the Nizam had failed to pay the money for the maintenance of the subsidiary force. The arrears then amounted to Rs. 50 lacs. The annexation

took place in 1853. The Berar was then divided into the Northen and southern Berar. For the loyal services of the Nizam, however, during the rising of 1857, Southern Berar was given back to him. Again in 1903 it was joined to the Central provinces forming the Central Provinces and Berar. This arrangement by the States Reorganization Commission.

A wave of repression spread all over India at the end of the rising of 1857. Thousand of innocent persons were hanged after a summary trial. At times a whole villages was set on fire on the ground that some person or persons participating in the revolt hailed from it. The whole village was held at stake for the acts of just a few persons. These repressive measures were intended to strike terror into the hearts of the people. Nagpur with its surrounding area was saved for some time from these cruelties of the government as Bakabai remained loyal to the East India Company during the rising. Actually she discouraged any rising in the neighbourhood of Nagpur. However, the result of the repression was engendering racial hatred between the ruling English and their Indian subjects. Nagpur was no exception to this general situation.

The arms act of 1857 was passed with a view to disarming the people. The property of those who were suspected of having participated in the rising was confiscated. In the Nagpur area chieftains, like Navab Quadir Alikhan and a number of petty Zamindars came to be deprived of their property on the suspicion that they had a hand in the revolt. The arms act of 1878. This new Act introduced licensing of firearms throughout India and imposed heavy import duty. Penalties for the breach of this Act were enforced very stringently.

Along with the repressive measures, the British Government astutely employed the policy of divide and rule in order to keep their hold firm over the populace. In the army as well as in the civil services, this policy was very carefully implemented which finally divided India vertically and horizontally.

The armies were organized in such a manner that tribal, sectarian, religious and caste groups could maintain their own peculiarities. They were stationed at such places where they had

no contacts of any kind with the local population and therefore were considered alien.

The newly invented theory of martial and non-martial races was applied and the people of U.P. and Bihar were classed under the second category. Th ecommunities of North West India were declared as martial. The people of Oudh and North Western Provinces who had helped the British in the conquest of the Punjab and the North-West Frontier suddenly became non-martial.

The Police force in the central Provinces including Nagpur was placed under the supervision of the police officers of the Regular police. The old local village police which had strong affinities with the population were done away with. The aim was to create an efficient administrative instrument isolated form the public.

The loyal support afforded by Sayyad Ahmad to the British soon bore fruit. After 1875 the Muslims became the chosen people of the Government to put down the patriotic Hindu activities. In the Central Provinces the Muslim population was negligible. Yet more than fitfy per cent of the officers and nearly the same percentage of posts in the police were given to them. The policy of the British of setting the Muslims against the Hindus continued unabated. The evidence of the 'Berar Mitra'of 8th July 1879 is significant in this respect. In one of the editorials is asked, ' why is it that only Musalmans are appointed Tahsildars these days?

As a part of the divide and rule policy in 1861 the entire Nagpur Irregular Force was incorporated in the police. The police were trained to be overbearing and contemptuous in their behaviour towards the people. The rank and file of the police force was drawn from that section of the population which had no character in the past. This naturally led to corruption and abuse of power in the police force. Sir Richard Temple, the Chief Commissioner of Central Provinces, 1864-65, referring to this state of affairs says,' Service in the police has always been unpopular with natives of superior stamp, and men of character avoided entering it. Men of ability rarely entered it except with the intention of making an unlawful fortune within a short time, risking the chance of such detection as would lead to personal punishment but quite prepared for dismissal.

The police purposely insulted men of status and the Government connived at their rudeness. A British police officer could easily whip a citzen of Nagpur on the street if he failed to stand up when the Saheb passed by. The feeling of oneness between the police and the people was completely disrupted.

Dalhousie's policy toward the native states was topsyturvied in the aftermath of the revolt. Except for their sovereignty the states were restored to their former honour and rights. As a result the States came to be recognised as one of the pillars of the British Empire in India till their disappearance. Nest to the states, it were the Zamindars who merited the attention of the British. In the Nagpur area a new class of Zamindars and Malguzars was created with full proprietary rights in their villages. This was quite against the Indian tradition which did not recognize private ownership in land. The landlords were revenue farmers or managers in the pre-British period. Endowed with proprietary rights in land, majority of them became stooges of the alien Government and at the same time took upon themselves the odium of revenue collection.

The Nagpur revenue assessment was enhanced by the Residents right from 1830. The revenue system under the Bhosles through crude and elementary left the farmers with a surplus that was enough for their maintenance and future agricultural operations.

The activities of the Christian Missionaries began to be felt in Nagpur since 1845. In that year Stephen Hislop arrived in Nagpur and soon founded the Scottish Mission. One of the associates of Hislop. Mr. Voss was belaboured by the Nagpur mob for his proselytising activities. The Nagpur people stoutly resisted the missionary activities. However the missionaries in course of time further divided the Indian society which was already subjected to the divide-and-rule policy of the British.

In sum. In Nagpur as in other parts of India the alien rulers set the police against the people, the landlords against their cultivators, the Muslims against the Hindus, one caste against the other and even one sub-caste against another sub-caste. The socio-political repercussions of the dissensions nurtured by the British

are felt by the people even today. In its trail, it has created problem which are difficult of solution.

Within less than a hundred years of the British rule the indigenous economy was killed in the interest of Great Britain. No wonder that Nagpur should have fallen a prey to this general economic devastation. The cotton and silk textile industries of Nagpur which were carefully built by the Bhosles had once great demand in the markets of Egypt and Europe. With the advent of machine-made cloth imported free of duty these industries were totally ruined.

Lord Lytton's unblessed regime (1876-80) left sad memories in the people's mind. The oppressive Vernacular Press Act, the huge expenditure incurred during the Second Afghan War, the lowering of age-limit for admission of Indians to the I.C.S. and the opening of the Muhammedan Anglo-Oriental College at Aligad roused public feelings throughout India. Nagpur was not slow to react against these measures.

Nagpur was moved when Vasudev Balavant Phadke of Sirdhon, the first revolutionary, tried to overthrow the British rule. He failed in his attempt and was deported to distant Aden. Nagpur was quick to receive new ideas from Poona, which led to the formation of nationalism. Soon after the foundation of the Sarvajanik Sabha of Poona, the Loka Sabha was established in Nagpur with its branches in the principal towns of the Madhya Pradeshh. The educated well-to-do middle class formed the back bone of these public activities.

For the second Session of the Congress which met at Calcutta, B.K. Bose of Madhya Pradesh was invited but could not attend. However, his friends Bapurav Dada Kinkhede, Gangadharrav Citnavis and Gopal Hari Bhinde of Nagpur were present at the session. Abdul Aziz of Kamptee, near Nagpur, made a fine speech in Urdu at Calcutta. The Calcutta meeting imparted fresh vigour to the efforts of Krsnarav Pathak to establish a Sabha on the lines of the Sarvajanika Sabha of Poona. Gangadharrav Citanvis was the President of the Nagpur LokSabha and Bapurav Dada Kinkhede its secretary. In 1886, a similar Sabha was founded at Amravati with the efforts of Vinayak Digambar Devras of Akola, Khaparde, Mudholkar, Joshi and Kazi Badruddin of Malkapur.

Soon after the visit of Svami Dayanand Sarasvati to Nagpur, in 1884, the Goraksana Sabha was formed in the city. Within a year it had as many as 49 branches in the Madhya Pradesh. The Sabha shortly assumed an all-India form with Lokmanya Tilak, Malaviya and Pettit as its prominent members.

The Seventh Session of the All-India National Congress was held in Nagpur in 1891. Out of the 3,812 degree 480 were from Berar. P. Ananda Charlu presided and the venue chosen was the Lal Bag. Among the Chief topics taken for discussion were the Second Afghan War and Forest Laws. The latter were irksome to the people as they had deprived the villagers of their privileges, such as the common pasturage. The Nagpur session gave new impetus to the national movement in the surrounding area.

In 1893, a public meeting in Nagpur held at the Neill City High School appealed to the Secretary of State that the Central Provinces should be allowed to send one member under the Council Act of 1892. In 1896, Gangadharrav Citnavis of Nagpur was the member recommended to the Viceroy.

When the outbreak of plague towards the end of the last century resulted in the murder of Rand and Lt. Ayerst in Poona, Tilak was sentenced to eighteen months rigorous imprisonment. Nagpur was agitated at this news. In the year 1897 when the Congress session was held at Amravati. Dadasaheb Khaparde referred to the famine and plague which ravaged the country.

Towards 1907, Tilak came to the forefront as the leader of the exremist group in the Congress. From Nagpur province Dadasaheb Khaparde and Munje represented the Tilakite school whereas mudholkar and Gangadharrav Citnavis backed the moderates. In 1907 the Congress was to meet in Nagpur. The extremists wanted it to be presided over by Tilak. After a meting which was held in the Town Hall. The students took out a procession with the photographs of Tilak, Lala Lajpat Rai, Arabindu Ghos and Bipin Chandra Pal, singing Vandemataram. The students in the Morris college (now Nagpur Mahavidyalaya) greeted their European professors in the class with Vandemataram. Situation in Nagpur grew quite tense. The Congress, however, was held at Surat which marked a turning point in its history.

The group of extremists in Nagpur were encouraged by the lectures of Bapu Arabindu Ghos in the city in 1908. He urged the people to adopt the cult of Svadeshi. Acyutrav Kolhatkar was sentenced to eighteen months rigourous imprisonment for publishing the speeches of Arabindu in his journal Desasevak.

The rastriya Mandal was established in Nagpur when the Terrorist Movement was seriously disturbing the Government. Nilkanthrav Udhoji was the President of the Mandal and Munje, Acyutrav Kolharkar, Paranjape, Madhavrav Sapre. Ramnarayan Rathi, Barrister Cakravarti and Gadre its principal members.

During the Industrial Exhibition held on the Kasturcand Park in Nagpur in 1908, the statue of Queen Victoria in the Maharaj Bag was defaced with coal-tar. One Narayan Paranjpe was arrested fro this act and later released.

The news of Tilak's deportation to Mandaley for six years created sensation in Nagpur. The students left their classes and took out a procession. The Principal of Morris College was pelted with stones. A mammoth meeting held at the Citnavis Park was dispersed by the police. In the second meeting held on 19th August 1908, in front of the Venkates threatre a resolution was passed demanding the release of Tilak, and as a protest against injustice it called upon the people to completely boycott British Goods.

The repressive measures which followed this agitation deprived Nagpur press of its freedom. Acyurtav Kolhatkar was arrested on the Nagpur station on his arrival by Calcutta mail. In 1913, Viceroy Hardinge came to Nagpur to lay the foundation stone of the Central Provinces legislative Council. Out of its 26th members, 3 were from the Congress.

The Svadesi mills-now Model Mills-was founded in 1870. Its first directors were members of the Congress, namely, Gangdharrav Citnavis, Gopalrav Bhide, Mukundrav Buty and Gopalrav Ghatate. Along with Svadesi and Boycott, the Paisa fund too received support form Nagpur.

To meet the local needs, the first Provincial Conference was held in 1905. Dadasaheb khaparde was its President and Gangadharrav Citnavis the Chairman of the Reception Committee. The demands of the Conference were-

i. Abolition of Patvari cess;
ii. Bigar-free labour service;
iii. A High Court for M.P.

After 1907, the Congress in Nagpur was sharply divided having overwhelming supporters of Tilak.

In 1915, Mrs. Besant explained in Nagpur the objectives of the Home Rule League. In 1918, Tilak toured the Nagpur area for the same purpose.

He had full faith in the constitutional struggle for the attainment of Svaraj. Like many others he was convinced of its practicability under the given situation. He, however, did not consider the activities of the terrorists or the revolutionaries as ineffectual or theoretically objectionable. He was not opposed to the overthrow of the British rule by an armed revolution if one could bring it about. In the Rand murder case the Caphekar brothers who were convicted stated in the enquiry that they were driven to desperateness by the writings of Tilak was sentenced to eighteen months rigorous imprisonment. For many revolutionaries he was the source of inspiration.

Hedgevar, the brain behind the revolutionary movement in Nagpur, had been to Poona to consult Tilak on the matter. Nothing is known about the nature of the advice he received. One Bhanji Kavare was the trusted associate of Hedgevar, both used to secure pistols and ammunition clandestinely from outside. One Dadasaheb Baksi repaired old pistols and made them serviceable. Hedgevar once unsuccessfully tried to secure arms and ammunitions form Goa. Funds were collected for this movement and secret meetings were held at the out-of-the way places like Baradvari, Tulsi Bag, Soneganv Mandir, Colonel Bag, Indora Mandir, and Mohite Vada. Like of Mazzini, stories of the Bengal Revolutionaries, the Alipur and Maniktola Bombing Cases and Indian War of Independence by Savarkar were widely circulated among the revolutionaries as food for thought. Hedgevar had sent his own trusted persons to Punjab with a view to keeping contact with the revolutionaries there. One Ganga Prasad was the principal figure in this secret deputation. He was accompanied by Appaji Joshi of Wardha and, Nanani Puranik and Baburav Harkare of

Nagpur. These revolutionary activities were conducted for nearly three years from 1916 onwards. Towards the end of the World War I, Hedgevar found that the movement was losing its dynamism and the chances of its success were few. He therefore called back his compatriots and systematically disorganized the movement. He then joined the Congress.

Between 1906 and 1914 Gandhiji had attracted the attention of Indian Political leaders by his peaceful resistance to injustice in South Africa. He was successful in getting abolished the most hated Asiatic Act and the discriminatory treatment meted out to the Indian immigrants there. His activities in Africa were heartily blessed by Gopal Krsna Gokhale. On his return to India in 1914 he was hailed as the votary of truth and Ahisma. In spite of his bitter experience of the British rule in Africa he expressed full faith in the justice of England and advised his countrymen to offer unconditional help to the proclamation during the First World War. But the hollowness of the proclamation during the War that responsible Government would be introduced in India. The disappointing Montford Reforms, the Rowlatt Bill and tlhe Jallianvala Bag Tragedy of 1919, in mounting succession convinced him that the British Government was satanic. In the Khilafat Conference of November 1919 Gandhiji expounded his policy of non-co-operation with Government as a political weapon. This was largely supported in the Congress Session that followed. However, Congress stalwarts like Tilak, C. R. Das and Moti Lal Nehru had misgivings regarding the Gandhian ways and programme. Mrs. Annie Besant was aginst his Satyagraha movement. And the jallianvala Bag Tragedy resulted in her exit from the congress and politics.

With Tilak's death on 1st August 1920, India lost a great scholar and a fearless leader of exceptional abilities. The death of the 'Father of Indian Unrest" was mourned throughout the country. Nagpur people paid their homage to Tilak in a mammoth meeting. The era of vigorous extremism in the Congress may be said to have ended with the passing away of Tilak.

The special Congress Session which met at Calcutta in September 1920 marked a turning point in Indian politics. Gandhiji's resolutions on Hindu-Muslim unity and the policy of

non-violent, non-co-operation for the attainment of Svaraj were passed by the Session, though Bipin Chandra Pal and Das strongly opposed them cosidering them to be disadvantatgeous to the country. The Nagpur session of the Congress which met at lhe end of 1920 firmly established Gandhiji's leadership in India. His philosophy and method received a clear support. His progressive policy of non-co-operation and boycott actually outstripped the extremists.

On the eve of the Nagpur session, opposition members had expressed their disapproval of he policy and principle of non-co-operation. They thought the movement would do more harm than good to the country. Before the congress Session met, Dadasaheb khaparde published a memorandum pointing out how Gandhiji's resolution sought to divert the energies of the congress in attaining spiritual force and moral excellece to the neglect of immediate political objectives. He further thought that boycotting the Councils would result in the loss of contact with the de facto Government ultimately depriving the people of the practical training ground for political struggle. It would not be far from truth if one states that this opinion was largely shared by the intellectuals of Nagpur.

In addition to the non-violent non-co-operation programme for the attainment of Svaraj, the Nagpur Session passed resolutions regarding promotion of Khadi, unconditional support to the Muslims in the Khilafat movement, removal of untouchability and creation of Tilak Svaraj Fund. Svaraj was to be attained within one year.

The Nagpur Congress gave tremendous fillip to the national movement in the madhya Pradesh. As part of the peaceful programme the Non-Co-operator's Asram and the Tilak Vidyalaya were established at Nagpur. To make Prohibition effective voluteers pickedted at the liquor shops on January 1921. Police opened fire on the picketers in the city.

After the Cauri Caura incident in which the constables were cut to pieces by the angry mob, Gandhiji withdrew his mass civil disobedience movement which was to be launched all over the country. His promise of attaining Swaraj within an year fell through and a sort of full spread over the entire programme of the Congress.

It was in this atmosphere that the Swarajist Party was established following the Congress Session of Gaya of 1923. Das and Motilal Nehru formed the Swarajist Party to carry the fight into the legislatures. Swaraj was to be attained by council entry. By this time M. V. Abhyankar who was the acknowledged leader of Nagpur moved a resolution at the All-India congress Committee meeting in Bombay that Council-entry should be accepted as the programme of the party. Khaparde and Munje too were in favour of capturing all public bodies and Councils. Thus, there was a tussle between the Non-changers and the Swarajists within the Congress party.

In the elections of 1923, the Swaranjists in the Central Provinces got a clear majority. The Governor called Munje, the leader of the Swarajists to form the Ministry. He promptly refused the invitation and party launched its obstructive battle. When the Governor formed his own Ministry, the Swarajists in the house passed a motion of non-confidence against it. This was the first non-confidence motion to be passed against a Government under the Reform Act. It was the first triumph of the battle for freedom inside the Council. The Swarajist party itself, however, soon betrayed signs of schism under threats from the Governor. The election of Tambe of the Swarajist party as president was hailed as its truimph. He decided in October 1925 to accept the membership of the Executive Council in the Central Provinces in the vacancy caused by the retirement of M.V. Joshi. This had a nation-wide reaction. Tambe was supported by Kelkar and M. R. Jayakar of Bombay. The Berar Swaraj Party in the Executive Committee was called at Nagpur and Motilal Nehru after heated discussions with Munje remarked that,"Maharashtra was a diseased limb of the Swaraj Party and he was quite prepared to amputate it". the result was that N.C. Kelkar and M. R. Jayakar resigned from the Party and Munje followed the suit. The Responsive Co-operationist group formed their own party under the Presidentship of Jayakar. Munje Aney of this faction broke off from Abhyankar-Vamanrav Joshi.

The congress Party which was developing cracks inside was destined to witness worst kind of communal riots between 1923 and 1925. In 1923 Mustafa Kamal Pasha declared Turkey a Republic

and in 1924 the Khilafat itself was abolished. The Indian Muslims were baffled. In knocked the bottom out of the Hindu-Muslim unity nurtured by the Congress all these years. The Muslims fell apart from the Congress increasingly.

In 1923, in the tense atmosphere of communalism the Nagpur people under the leadership of Hedgevar, Paranjape and Colkar successfully carried the Dindi Satyagraha. During the riots of the next year Munje gave complete co-operation to Hedgevar the founder of the Rashtriya Svayamsevak Sangha. What was happening in Nagpur was common phenomenon in many other cities of India. To quell the riots Gandhiji started a fast of 21 days on 18th September 1924.

It may be noted here that Hedgevar, was once an active and prominent worker of the Congress Party. He was the chief associate of Paranjape who founded the Bharat Svayamsevak Mandal with a view to training the volunteers for the Nagpur Session of the Congress of 1920. During the Non-co-operation Movement Munje and Hedgevar carried a hurricane campaign against the Government in and out of Nagpur. Hedgevar was sentenced to one year's rigorous imprisonment. After his release he found that his heart was not in the congress as the unconditional help to the Muslims in the Khilafat movement to the exclusion of Goraksha-cow protection-in the Congress programme presented a real contrast. To him, as to many others in Nagpur, unconditional help to Muslims for the attainment of Hindu-Muslim unity was a theoretical or spiritual solution fraught with danger. It was this mental dichotomy that drove Hedgevar to found the Rashtriya Svayamsevaka Sangha and forced many a thinker of Nagpur to join the Hindu Maha Sabha.

When the Simon Commission visited Nagpur in March 1929 the Youth League and the Students Organization were on the forefront of the protests and demonstrations. The educational institutions in the city became active centres of youth agitation. On 14th July, the National Flag was hoisted on the Hislop College. As a sequel to Government warning against such actions all colleges in Nagpur were closed for sometime.

With Gandhiji's historic march form Sabarmati to Dandi the Satyagraha movement spread throughout the length and breadth

of the country. On 16th April 1930, the Nagpur War council was formed with Abhyankar as its president. Among the other members of the Council were Jamnalal Bajaj, Mahatma Bhagvandin, Khare, Punamchanda Raka and Nilakanthrav Deshmukh. In Berar Brijlal Biyani, Bapuji Aney and Vamanrav Joshi led the movement.

Abhyankar was arrested. Bapuji Aney was arrested for cutting grass in the Pusad forest. Anusayabai Kale was arrested for picketing. Nagpur people gave a food account of themselves in the Civil Disobedience Movement.

After the passing of the Act of 1935, the Congress decided to contest the elections. It had clear majority in five provinces. When the new constitution came into force in the Madhya Pradeshh a new ministry was formed with Khare as the Chief Minister, on 14th July 1937. At the time of forming the ministry Khare had to drop Harkare from the list of Ministers at the instance of Vallabhabhai Patel. Because of serious differences between N. B. Khare and his Mahakosal colleagues and also because of his differences with the Congress High Command, he had to resign his office of Chief-Ministership. He later published his case in the papers under "My Defence"

After the outbreak of the Second World War the Congress working committee which met at Wardha from 8th September 1939 took the following momentous decisions:-

1. It condemned Nazism and Fascism.
2. No foreign Government had the right to decide the issue of war and peace for India. It must be decided by the Indian people.
3. The British Government should declare its war aims.
4. Great Britain must establish democracy in India. A free India would willingly help free nations for mutual defence.
5. Any declaration of war aims must be given effect to immediately.

On these fundamental questions no compromise was possible and the Congress Ministries from different provinces resigned. A deadlock became inevitable. Gandhiji started his individual Satyagraha and Vinoba Bhave was the first volunteer to launch

it on 17th October 1941. In 1942 when the Quit India Call was given by the Congress, arrests, repression, underground activities and violence became a matter of daily occurrence. On the 12th August, the police fired on the Nagpur mob killing even woman and children. At Ramtek in Nagpur district there was no government for sometime. The atrocities at Ashti in Wardha and Chimur in Chanda are too well-known during the freedom struggle. On the 12th August 1942, the Itwari Railway Station Godown and Post office were set on fire. The underground movement was very active in Nagpur under the leadership of Maganlal Bagdi.

After the end of the war, in Madhya Pradeshh, the Cabinet was sworn in with Ravi Shankar Shukla as the Chief Minister on 27-4-1946. When freedom dawned finally on the 15th August 1947, the Nagpur people celebrated it by hoisting the National Flag on the historic fort of Sitabuldi. Ravi Shankar Shukla was the Chief Minister and Mangaldas M. Pakvasa the Rajyapala.

With the reorganisation of State in 1956, Nagpur along with the other districts of Vidarbha region became a part of the bilingual State of Bombay. In 1960 the state of Maharashtra came into existence of which Nagpur district forms a part.

4

Simon Commission and Congress

THE SIMON COMMISSION

The British Prime Minister, Stanley Baldwin, announced in the House of Commons in November 1927 that a commission would be sent to India to look into the political situation of India and suggest reforms.

This commission would 'inquire into the working of the Indian constitution and consider the desirability of establishing, extending, modifying or restricting the degree of responsible government'. The Simon commission was to be headed by Sir John Simon and would have six other members which included Clement Atlee who was to preside over Indian independence as Prime Minister in 1947.

When the composition of the commission was announced, it was found that it included only British members and no Indian. This was greeted with strong protest from all parts of India and all assurances that the government would consider the Indian viewpoint in all matters was rejected. Complete equality with the British members of the commission was demanded and no one was satisfied with the status of just being petitioners.

Jinnah and many Hindu and Muslim leaders signed a manifesto which declared that unless Indian members were included in the commission, it was not possible for them to conscientiously share in its work or take any part in it. Jinnah felt that by not allowing Indians to participate in the commission, the British have tried to show that Indians are not capable of making any decisions regarding the constitution of India.

Jinnah protested against this commission along with the Congress and other leaders of the subcontinent.

He tried to unite the Muslims to see how this commission would not be beneficial for them, but at this point the Muslim League split into two; Jinnah who opposed the Simon Commission headed one faction known as the 'Jinnah Group' while Sir Mohammed Shafi who was in favor of cooperating with the Simon Commission headed the other known as the 'Shafi Group'.

Jinnah strongly criticized the commission calling it a 'butchery of our souls'. As president of the Muslim League he said:

> *'a constitutional war has been declared on Great Britain. Negotiations for a settlement are not to come from our side…We are denied equal partnership. We will resist the new doctrine to the best of our powers…I welcome Pandit Malaviya, and I welcome the hand of fellowship extended to us by Hindu leaders from the platform of the Congress and the Hindu Mahasabha….this offer is more valuable than any concession which the British Government can make.'*

The Quaid moved a resolution that was accepted by the Jinnah group. The resolution was as follows:

> *"This public meeting of the citizens of Bombay empathetically declare that the statutory commission which has been announced is unacceptable to the people of India as it most flagrantly denies the right of the people of India to participate on equal terms in framing the future constitution of the country. This meeting further resolves that under the circumstances Indians throughout the country should have nothing to do with the commission at any state or in any form."*

Jinnah was distressed at this point. He had worked so hard for Hindu-Muslim unity and than had to face the problem of the Muslims being divided amongst themselves.

After reading the statements of Sir John Simon and the Viceroy, Jinnah issued a statement in which he said that no equality of status was given to the Indian Committee. Indians were not allowed to vote at the proceedings of the Commission. This made the Jinnah that the Indians were left to play a subordinate role.

Lala Lajput Rai passed a resolution in the Legislative Assembly on the 16th of February 1928, which was strongly supported by Jinnah. This resolution declared that the Indians had no confidence in the Simon Commission. The Simon Commission arrived in Bombay on the 3rd of February and was greeted by black flags and loud slogans saying 'Simon go back'. Wherever the Commission went it was meeted out hostile treatment. The Simon Commission left India on the 31st of March.

BRITISH COMMITMENTS TO SELF-GOVERNMENT

The two most important official statements of British policy concerning India were Queen Victoria's Royal Proclamation, of 1858, when the crown took control of the East India Company's Indian territories, and the statement of Secretary of State for India, Edwin Montagu (July 17, 1917-March 19, 1922) to the House of Commons on 20 August 1917.

Queen Victoria's Proclamation included the promise that "… so far as may be, Our Subjects, of whatever Race or Creed, be freely and impartially admitted to Offices in Our Service, the Duties of which they may be qualified, by their education, ability, and integrity, duly to discharge." The British Government of India studiously subverted this promise denying Indians commissions in the Indian Army and almost completely excluding them from the Indian Civil Service and the higher ranks of the Indian Police.

Edwin Montagu's statement included the following –

"The policy of His Majesty's government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral Part of the British Empire…. I would add that progress in this policy can only be achieved by successive stages. The British Government, and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian people, must be the judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and

by the extent to which it is found that confidence can be reposed in their sense of responsibility."

Montagu had no political base and was a junior minister. Golant (pp. 156-7) wrote –

"Conscious from the start of the rift between the waves of reasonable expectations in India and the tide of conservative opinion within the war-time coalition, the Montagu-Chelmsford Report gravitated towards a policy where 'a substantial step is to be taken at once'. The sheltered existence which Britain had given India, labelled not uncritically 'constitutional autocracy', was to be altered according to the logical application of past promises. 'Indians must be enabled in so far as they attain responsibility to determine for themselves what they want done. The process will begin in local affairs, which we have long since intended and promised to make over to them; the time has come for advance in some subjects of provincial concern; and it will proceed to the complete control of provincial matters, and thence, in the course of time and subject to the proper discharge of Imperial responsibilities, to the matters concerning all India.'

"This statement contained many of the ambivalent aspects of constitution-making: reform with qualifications, clear intentions muffled by vague reference to Imperial interests, the present made a hostage to the future. The phrase 'in so far as they attain responsibility' still made Indians free to determine policy only after *they had shown themselves able and had been given the right to do so by the British Government. 'Attain' suggested trying to reach but not yet accomplished, which left the British authorities arbiters of what was attained. 'In so far' implied a continuing limitation. In another part of the paper a parlia-mentary commission was to report on the, working of the new constitution. The reference to '*some *subjects' meant that others, and these were significant, were kept from provincial control. This was subsequently known as dyarchy, a form of dual control and responsibility dividing government power between an elected and an official authority with transferred and reserved subjects respectively. 'In the course of time' held out the future promise of self-government for the whole of India, in a vague and uncharted way. 'Subject to the proper discharge*

of Imperial responsibilities' could be construed to mean that British and Imperial needs were still superior to any popular measure. The word 'subject' applied a condition which could alter or under-mine any decision.

"Though subtle in his wording there can be little doubt that the Secretary of State intended a definite relaxation of British authority and power."

The promise of "responsible government" together with the subsequent Indian representation on international bodies clearly implied a commitment to move India to dominion status (see Mehrota pp. 238-241 and Keith p. 268, 467, 468) as was explicitly confirmed by the viceroy, Lord Irwin (1926–1931) on 31 October 1929 (see India, Gwyer & Appadorai pp. 224-225)-

The goal of British policy was stated in the declaration of August 1917 to be that of providing for the gradual development of self-governing institutions, with a view to the progressive realization of responsible government in India as an integral part of the British Empire…. I am authorized on behalf of His Majesty's Government to state clearly that in their judgement it is implicit in the declaration of 1917 that the natural issue of India's constitutional progress, as there contemplated, is the attainment of Dominion Status.

Indian Lack of Confidence in British Good Faith and Its Basis

The commitment to dominion status seems as clear as that of Queen Victoria to opening all positions to Indians and there was every reason to believe that most supporters of the dominant Conservative Party would have liked to make it as ineffectual.

Views and Statements of Senior British Officials and Politicians

- "(British prime minister) Mr. Lloyd George's "Steel Frame" speech in the House of Commons on August 2, 1922, was another contribution to the radical cause. In the course of his remarks … he made several references to the Indian Reforms as an experiment. He also spoke of the British Civil Service as the steel frame of the Indian administration and said that he could see no time when India could dispense with its guidance and assistance. This language

was regarded in India as a repudiation of the Reforms…. The government of India tried to put a conciliatory interpretation upon the Premier's language, but the Legislative Assembly … passed a resolution expressing the grave apprehension of the people of India. The question was kept alive by the appointment of the Lee Commission on the Public Services. The fear that India would have to pay larger salaries and pensions to European officials and that the improved conditions would encourage European recruitment was too strong to be offset by the prospect that the commission would also recommend a more speedy rate of Indianization. It is doubtful whether the feeling would have been so bitter if the British civilians as a class had not been so obviously Reforms. hostile to the Reforms." (Smith pp. 120-121.)

- Ambiguities in Irwin's Dominion Status announcement "This declaration, hailed as a solemn oath 'to Indian advance', was no more forthright than previous declarations. In a country inured to sincere words with substantial qualifications, Irwin's 'we cannot at present foresee on what lines this development may be shaped' left undefined (1) what was being offered in the present, (2) the meaning of 'dominion status', (3) what part Indians had in the 'attainment', a word which had more future than present connotation." (Golant p. 168)

- The reaction to Irwin's Dominion Status announcement (see above). As described by Gopal (pp. 48-50)-

  "He (Irwin) had already, in January 1929, emphasized that the 1917 Declaration still stood as a solemn pledge to assist India to obtain full national political stature; but this was stale and too vague. An 'indefeasible assurance' of Dominion Status, a declaration of India's right to it, would do much to remove the surface misunderstandings and distrust. For whereas to the English Dominion Status connoted an achieved constitutional position, to Indians it was mainly a promise of full rights to come. Motilal Nehru himself informed Geoffrey Dawson, then on tour in India, that what was really wanted was an assurance

that Dominion Status was on the way.... Simon at first resented the suggestion of a conference, but later, following Reading's lead, focused his criticism on the reference to Dominion Status. This soon became the general attitude in both (Conservative and Liberal) parties. While they accepted the suggestion that Indian opinion be formally consulted after the report was published they disliked a categoric recognition of Dominion Status as India's goal.... The contention of the Viceroy and The Times that Dominion Status was implicit in the 1917 Declaration and the Instrument of Instructions to the Governor-General did not find unanimous acceptance in England. Even in May 1928 Birkenhead had informed Irwin that the British Government were averse to using the phrase to describe even the ultimate and remote goal of Indian political development because this meant 'the right to decide their own destinies', and this right the Government were not prepared to accord to India just then or in any way to prejudge the,question whether it should ever be accorded. So, in other words, references to 'full partnership', 'selfgovernment within the Empire', and India's 'acquiring her due place among the Dominions really meant little."

- "The pronouncement of August 1917 spoke of 'the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India'. That is also the term used in the Preamble to the Act; that is the term used in the Royal Warrant of Instructions which adds that 'thus will India be fitted to take her place among the other Dominions'. The term has its significance; we know that it was deliberately chosen. The Congress and the League had asked the Imperial Government to proclaim its intention to confer self-government on India at an early date and the Cabinet chose the present term. The expression used in the Act is a term of precision, conveying that the Executive in India would be responsible to the Indian Legislature instead of to the British Parliament. If you analyse the term 'full Dominion Self-Government', you will see that it is of somewhat wider extent,conveying that not only will the Executive be responsible to the Legislature, but the Legislature will in itself have the full powers which are typical of the modern Dominion. I say there is some difference of substance, because responsible government is not necessarily incompatible with a Legislature with limited or restricted powers. It may be that full Dominion self-government is the logical outcome of responsible government, nay, it may be the inevitable and historical development of responsible government, but it is a further and a final step." (Sir Malcolm Hailey, Home Member to the Government of India on the grant of full self-governing Dominion Status to India, 8 February 1924 – Gwyer and Appadorai p. 220)

Appointment of Lord Birkenhead as Secretary of State for India

Birkenhead, who was Secretary of State for India from November 1924 to October 1928. "He believed that if Britain lost India it would be 'a tragedy of inconceivable magnitude'." (Golant p. 165). As Campbell states (pp. 729, 733-4)-

"He was very bad at receiving deputations of visiting Indians, tended to treat them with scant courtesy if not actual rudeness, and often refused to see them on the constitutional ground that Indians should not think they could appeal over the Viceroy's head to London….

(He wrote) 'To me it is frankly inconceivable that India will ever be fit for Dominion self-government. My view is that …. it is not likely, unless matters change in the interval, that such a re-examination (i.e. the Statutory Commission) will slightest extension (of self-government)….'

"In January 1925, commenting on a speech of Reading's, he went further and revealed the deeply cynical basis of his certainty that India would never be fit for self-government

'In a later passage of your speech, you lamented the recent renewal of outbreaks between Hindu and Mahomedan. Both you and I must of course speak of these outbreaks in the terms you used... But surely the breakdown of a Hindu-Mahomedan anti-

reform unity, looked at very broadly, spells a death blow to Das [leader of the swaraj party since 1923] and the whole of his campaign... His task is absolutely hopeless when the fundamental strength of our position is advertised to all India by the resolute determination of the powerful and virile Mahomedan community that they cannot and will not have any form of Home Rule on terms which are acceptable to Das and Nehru.

'I have always placed my highest and most permanent hopes … upon the eternity of the communal situation. The greater the political progress made by the Hindus the greater … will be the Moslem distrust and antagonism….'

"Of course, he was not so frank in public. In public he was committed, as the representative of the British government, to preserve with the 1919 reforms and bound to pay lip-service to the 1917 promise that self-government, however distant, was the ultimate goal. But he was easily able to shelter behind the disunity and obstructiveness, the unrealism and irresponsibility of the Indian politicians, whom he regarded as a small westernized caste utterly unrepresentative of the numberless peasant masses, clamouring for further advance before they had shown that they could work the present system, as a persuasive reason for moving cautiously"

Derisory British Support for Education and the Indianization of the Army

Two key reasons, given by the British, as to why India was not ready for self-government at the Centre were lack of education {e.g. Montagu's 5 June 1919 speech to the House of Commons on the Government of India Bill)and an inability to run the Indian army without British officers who must remain under the control of parliament.

- British economic priorities during the economically stressed decades between the wars were to give:
  - (a) top priority to meeting Stirling liability (debt payment, pensions of ex-ICS and army officers, payments to the British Government for services, repatriation of capital and profits, imports of all sorts of goods and services etc.);

  - (b) second priority for the needs of the Indian Army, the central Government of India, provincial governors and civil servants, provincial services related to law and order and revenue collection. N.b. at this time the Government of India was funding the construction of its magnificent new capital New Delhi designed by Edwin Lutyens; and,
  - (c) the miniscule residual resources were divided among the many needy services including education which received meager financing. As noted by Brown (p. 259),"Government expenditure on education actually dropped in the early 1930s, then leveled off in 1936-7 at a lower figure than at the start of the decade." All this while the population was increasing.
- British sabotage of the Indianization of the army officer corps is described by Mason

"In 1918 it had been announced that in future the King's Commission would be open to Indians and that ten places a year would be reserved for Indians at Sandhurst. They were to be in every way on a footing with British officers and were posted in the same way…. The fear that British officers 'of the right kind' would not come forward was strong in the 'twenties and it was to meet this that the 'eight unit scheme' was devised. The scheme was announced on February 17th, 1923; the essence of it was that two cavalry regiments and six infantry battalions should be 'Indianized' as a first step; Indians with the King's Commission in other units should be encouraged to transfer to them and no new British officers would be posted there. This, it was said officially, would give Indians 'a fair chance' to show that such units as efficient as those with British officers. But there can be no doubt that it was primarily a solution of the difficulty of 'serving under natives.'… the India Office proposed that a beginning should be made with four units only. Now nobody thought the British officer's fear of serving under an Indian was quite the sort of reason for segregated units that ought to be given in public.

The official reason was that only by this means could we be sure that a unit officered by Indians was thoroughly efficient.

Considering the whole operation as a scientific experiment, this could not be proved until there were Indian lieutenant-colonels in command of regiments; this would occur in twenty-six years' time. If the experiment took so long and was confined to four units it was hard to see when the process would be complete. It cannot really be regarded as an honest attempt to implement the policy; it meant that the War Office refused to take seriously the proclamation of 1918 and put up a token proposal as a way of shelving the question…. it did not take much knowledge to see that the real reason for segregated units was dislike for serving under a 'native'-and the reason publicly given was not much less wounding, while it seemed to postpone completion of the process indefinitely. No one could disguise the fact that most Englishmen believed that hardly any Indians were really good enough to lead Indian troops."

BRITISH OBJECTIVES IN DESIGNING A NEW INDIAN CONSTITUTION

a. The Key Objective Shared by British Political Leaders

The most important aim of a new constitution, from a British point of view, was to retain control of the Indian Army, Indian Foreign relations, finance and ultimately of the machinery of internal law and order while attracting to their support the Liberals, moderate Congress members and moderate Muslim Indian nationalists and retaining the support of most Muslims and the rulers of the princely states. This was summarized by Irwin as:

> *"I don't believe that...it is impossible to present the problem in such a form as would make the shop window look respectable from an Indian point of view, which is really what they care about, while keeping your hand pretty firmly on the things that matter."*

Irwin to Stonehaven, 12 November 1928

Most British political leaders considered that one of Britain's greatest gifts to India was unity. The whole of the subcontinent was under British control saving it from internecine fighting and allowing integrated economic development. British leaders wanted this unity to persist into the future.

As a matter of practical politics, virtually all British political leaders recognized that, as a minimum, responsible government, would have to be conceded at the provincial level. However, safeguards could be built in to ensure the meeting of overriding British responsibilities and interests. It should be remembered, that the period 1922-1939 was one of Conservative party domination in the UK.

Beyond this, British political leaders, and the leadership of the Government of India, in the 1920s could be divided into three categories regarding Indian self-government:

b. Objectives of Supporters of Indian Progressive Achievement of Dominion Status Within a Westminster Type, Democratic Framework

This was the Labour Party position see Ahmed espoused most notably by Sir [Stafford Cripps] see Moore 1979. Labour's inclination was to transfer power as soon as Indian's were capable of taking on the job. However, the Labour Party was never securely in power between the wars and, really, its priorities and experience lay in domestic issues. As Gopal (p.49) states

"But when the usual mid-term leave enabled Irwin to discuss his plan in England, the elections were over and Ramsay Macdonald had formed the Labour Government, and Irwin could again bring forward his plan in full. The new Prime Minister, while greatly interested in India, had no policy of his own; and he gladly agreed with the Viceroy if only because he had earlier, when still out of office, looked forward to India becoming a Dominion within a period of months."

c. Objectives of Supporters of Indian Progressive Achievement of Dominion Status Within a Constitutional Framework Excluding Congress from Power

This group included Stanley Baldwin, Sam Hoare and much of the official leadership of the Conservative Party. This position was supported by the last two viceroys prior to World War II; the Marquess of Willingdon and Lord Linlithgow. This group represents the purest continuation of the traditional British policy in India.

"The rationale for British Empire in India varied with time and personality, but a persistent theme runs through the period of colonial rule. Maintenance of order and with it survival of the bureaucracy rested on the government's ability to operate within a complex and expanding political system. The British stood at the apex of the system.... High on the list of imperial priorities was retention of decision-making and policy functions. This control in turn necessitated satisfactory handling of pressures and expectations from numerous sources.... The foreign-dominated bureaucracy learned to compromise and to manipulate patronage so as to maintain support groups and isolate opponents." (Barrier p. 3)

The Conservative view was well described by Lord Linlithgow, in a letter to the Secretary of State in 1939 when he wrote (Bridge 1986 p. 153)

"After all we framed the constitution as it stands … because we thought that way the best way given the political position in both countries-of maintaining British influence in India. It is no part of our policy, I take it, to expedite in India constitutional changes for their own sake, or gratuitously to hurry the handing over of the controls to Indian hands at any rate faster than that which we regard as best calculated, on the long view, to hold India to the Empire."

The [Government of India Act 1935] largely reflects the views of this group pushed somewhat further to the right by the "diehards." Their gameplan was to gradually develop a conservative, strongly pro-British unified India within the Empire by strengthening the position of the Muslims and the Princes to the point that Congress could never capture leadership regardless of its degree of popular support. The Conservatives' hope was that by granting responsible government at the provincial level, including much opportunity for patronage, while delaying or denying it in the Centre, they would gain several advantages from a British point of view:

- It might undermine the unity of the Indian National Congress by encouraging the development of provincial parties, inside or outside congress, which would have major incentives to play ball with the British;

- Muslims would be sure to control two major provinces – Punjab and Bengal whereas they would be a permanent minority in a democratic Centre and thus might be expected to support continued British control of the Government of India; and,
- The best hope for the Princes to retain their states, status and wealth was by maintaining British control of the Centre.

d. Objectives of the "Diehards"

This group, representing the views of Birkenhead and Winston Churchill, was out of favour with the Conservative party leadership but enjoyed wide support within the Conservative and Liberal parties. Their views could be summarized as:

- If it were possible, they would have liked to go back to the pre-1917 situation where:
- There was no publicly proclaimed long-term goal for British rule in India. In particular, they considered that authoritarian bureaucratic government was, and would always remain, the most suitable form of government in Indian conditions;
- Indians were consulted but held no power at the central or provincial government levels;
- The Indian Civil Service and the senior ranks of the police would be overwhelmingly British and the officers of the British Indian Army would be exclusively so; and,
- If it were desired to associate Indians more closely with the bureaucracy running India, the Indians so favored would be rich and conservative with a special emphasis on colourful princes.
- Although the Royal Warrant for the Commission spoke of reporting "... as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify. or restrict the degree of responsible government then existing therein. However, as politicians living in the real world, they recognized that the clock could not be put back and that they would have to accept

responsible government at the provincial level. Their reluctance to do so is shown in Churchill's April 22, 1931 speech in Parliament where he said "I thought the Simon Report went much too far, but the Simon Report has long been left behind....." (James p. 5015). The motives of the diehards, including the protection of British commercial interests and the desire to permenantly maintain British rule were exposed in the following-

"On February 11, at the close of the second reading of the Bill, Churchill made the final opposition speech, warning that to give India self-government at the centre would give Indians the power to whittle away all trading safeguards, and to hold Lancashire 'as hostages', and would enable a small group of politically motivated men to trample on the rights of millions of inarticulate and ill-represented minorities. Those who would speak against the Bill at each of its stages, he said, hoped 'to kill the idea that the British in India are aliens moving out of the country as soon as they have been able to set up any kind of governing organism to take their place'. Instead, they wished to establish the idea 'that we are there for ever', as 'honoured partners with our Indian fellow-subjects whom we invite in all faithfulness to join with us in the highest functions of Government and administration for their lasting benefit and for our own'". (Gilbert 1976 p. 603)

In this connection, Aiyer (pp. 335-336) wrote-

What is the next step to be taken? Three courses may be suggested; to go back, to stand still, or to go forward. The first course is hardly likely to be suggested by any Indian politicians. But it has been recommended as an escape from the present position in some schemes of a reactionary and fantastic character put forward by retired bureaucrats. It is hardly necessary to deal with these proposals at length, for though the provisions of the Act empower the Statutory Commission to report whether it is desirable to restrict the degree of responsible government now existing, it is difficult to imagine that Parliament will stultify itself by going back upon the policy of the declaration of 1917 and the Act of 1919. The common feature of these schemes is the assumption that British India will never be fit for responsible government and that the interests of India require that she should be under the perpetual tutelage of Britain or, at any rate, for as long a period as their imagination can con template. The advocates of these schemes belong to the school which holds that the policy of giving western education to an oriental people, which was embarked upon in pursuance of Lord Macaulay's minute, was a grievous blunder, inasmuch as it tended to fill the heads of the educated classes with dangerous aspirations to political freedom and constitutional government wholly unsuited to Indian conditions…. They consider that the declaration of 1917 by the Parliament was a solemn mistake of thoughtless generosity and that parliament should now retrace its steps. According to them, India was never more than a mere geographical expression. It was never a united country and can never hope to be one. Its only destiny in the scheme of a benevolent Providence is to be a perpetual dependency of the British Empire.

The diehards probably realised that provincial autonomy, full Indianization of the Provincial Services and substantial Indianization of the Higher Services meant that British rule in India would have to be put on a completely new basis if it were to endure.

- Britain's responsibilities and interests were mainly at the Government of India level. The Diehards wanted to exclude Indian politicians from power, and to minimize their influence, at this level. Although they did not spell it out, their ideal outcome would have probably been modeled with the Crown's relationship with the Princely States. it would have probably taken the form of a very loose confederation of Princely States and Indian provinces with Britain controlling foreign affairs, the army and finances with a right to intervene in the case of the breakdown of law and order. This could be seen as a continuation of earlier British political thinking. Thus J.L. Jenkins (in "Note by the Hon'ble J.L. Jenkins," June 24,1911" in "Transfer of the Seat of Government of India from Calcutta to Delhi and the Creation of a New Lieut.-Governorship at Patna." quoted in Johnson (p. 33)-

"The maintenance of British rule depends on the ultimate supremacy of the Governor-General in Council...Yet it is certain

that in the course of time the just demands of Indians for a greater share in the government of the country will have to be satisfied,and the question is how they can be satisfied without impairing the supreme authority of the Governor-General in Council,which is the basis of British rule.

It appears to me that the only possible answer is-by gradually giving the provinces a greater measure of self-government,until, at last, India will consist of a number of provinces, autonomous in all provincial affairs, with the Government of India above all of them, possessing power to intervene in case of misgovernment, but whose functions will ordinarily be restricted to matters of imperial concern."

- Distrust, conflicts of interest, indeed hostility between the Hindu political class, on the one hand, and the Muslim leadership, the Princes and the mass of land owners and peasants and the "martial races" would likely prevent the emergence of a self-governing India. Some of these reactionaries would have really liked to achieve the Indian unity that they fundamentally believed to be impossible. Others, such as Birkenhead (see above) and Churchill, would do everything possible to carry on ruling India by the age-old stratagem of "divide and rule." Even in 1939, according to Moore (Moore 1979 p. 28)

"Churchill advocated a firm stand against Congress…. he did not share the anxiety to encourage and promote unity between the Hindu and Muslim communities. (His view was that) Such unity was, in fact, almost out of the realm of practical politics, while, if it were to be brought about, the immediate result would be that the united communities would join in showing us the door. He regarded the Hindu-Muslim feud as the bulwark of British rule in India."

4. British Responsibilities as Viewed by Most British Political Leaders in the 1920s

- defence of India;
- preserving law and order;
- protection of minorities, mainly Muslims in Hindu majority areas;

- maintaining the unity of Indian which had been increasingly expressed by India, encompassing both British India and the Princely States, having separate intra-empire and international (e.g. at the League of Notions) representation;
- maintaining the treaty provisions between the crown and the Princely States; and,
- ensuring that British members of the higher Services (Indian Civil Service, Police and Army) would be treated fairly.

5. British Interests

British leaders' view of long-term British Interests in India was probably similar to that outlined, for an earlier period by Tomlinson (1979 p. 20, 126, 127)

"In the years before 1914 India's imperial commitment meant three things in practice: that India should be retained as a market for British exports. which meant that the Government of India should not impose insurmountable barriers, especially tariffs, to the flow of British merchandise to India; that the Indian army be kept available for the imperial cause; and that the Indian administration should ensure that repayment of interest on guaranteed debt bonds was made smoothly and that adequate revenue and remittance was available for the Home Charges. Isolating the imperial factor in India policy allows us to pin-point the fundamental dichotomy of British rule in India. Each prong of its triple commitment cost the Government of India money…. As an India Office memorandum pointed out in June 1931: If a Federal Government were established in India, the aggregate charges under these three heads (Defence, Service of the Debt, and Salaries and Pensions) would, at a very conservative estimate, absorb three-quarters of the total revenues of the Federation, and a very large proportion of these payments would have to be made in sterling. This fact illustrates vividly the direct interest which the British Government must continue to retain in the financial administration of India, and explains why it is necessary to impose such measures of Parliamentary control as may be sufficient to ensure that these obligations are

met... There is no escape from the conclusion that so long as the British Government retains obligations which absorb so large a proportion of the total revenues of India, it must retain a direct interest in the financial administration of the country. This by no means implies that financial administration must remain under close or detailed control, but merely that provision must be made to ensure that the financial stability and credit of the country will be maintained, as unless this can be ensured the obligations falling on the British Government could not be met. This, from the purely British point of view, is the primary object of the [financial] safeguards."

In practice British latitude was constrained.

- India as a market for British exports – The Fiscal Autonomy Convention of 1922 (see Gwyer and Appadorai p. 28), a bid to win the support of industrial and political India, allowed the Government of India to set protective tariffs even if they hurt UK exports. As described by Tomlinson (1979 p. 123-4)

"The real crisis over the cotton tariff came in September 1931. The Government of India, in financial difficulties again and under pressure from London to balance its budget to boost confidence in the rupee, proposed a further 5 per cent increase in all tariff levels. … Sir Samuel Hoare (Secretary of State for India August 25, 1931 – June 7, 1935), thought that as 'an extreme measure in a time of national emergency' the Convention could be set aside…. But although Hoare thought that the Government of India's new tariff proposals were 'disastrous upon [sic] Lancashire', there was little that he was able to do about them…. But the new Viceroy, Lord Willingdon…. Argued that any dictation by London of Indian tariff policy would cause a storm in India, and revealed that three of the Indian and two of the British members of his Executive Council were prepared to resign if the Cabinet's proposals went through. In the face of this opposition there was little that the British Government could do but give in…. By the end of 1931 the National Government had accepted that it could not interfere directly in the general tariff policy of the Government of India and that this method of maintaining a British commercial advantage was

closed to it. The stick of imperial command now had to be replaced by the carrot of bilateral' consultation."

- Sterling Charges on the Government of India – The British Government ensured that the Rupee was maintained at the high rate of R.1=1s 6d in the face of strong India opposition. This required an extremely tight monetary policy at a time of depression. It is clear now, and was clear then, that the interests of the Indian economy were being subordinated to those of the British tax payer who would have had to pick up the tab if the government of India could not meet its Sterling obligations.
- Indian Army-The financial stress on the Government of India put severe limits on the Indian Army. In the period after 1918 military expenditures continued to be the largest item of government expenditure (Sen pp. 152-3). ".. 35.7% ofIndia's national expenditure was devoted to the military... compared to that of Britain itself (16.8%) and Canada (0.6%)" (Cell p. 84). In this context, there was a strong reaction when Imperial planners attempted to use Indian troops to cheaply garrison Britain's new empire in the Middle East. This led to a struggle between, on the one side, the India Office, the Government of India and Indian political opinion vs., on the other side the Imperial General Staff.

The Indian position was (Tomlinson (1979 p. 117))

"The principle should be generally accepted that, except in the gravest emergency, the Indian Army should be employed outside the Indian Empire only after consultation with the Governor-General in Council.... The view of the Government of India that the Indian army should not be required permanently to provide large overseas garrisons is supported. Units required for such purposes should be maintained in addition to the establishment laid down for the Indian Army, and the whole cost, direct or indirect, of recruiting and maintaining such units should be borne by His Majesty's Government, or by the dependency or colony requiring their services. This position held for the rest of the decade; the Indian army could still play a limited imperial role, but at London's expense."

6. The Statutory Commission

Under section 84 of the Government of India Act, 1919, a Statutory Commission was to be appointed "at the expiration of ten years after the passing of the Act...for the purpose of inquiring into the working of the system of Government, and the development of representative institutions in India, with a view to extend, modify or restrict the degree of responsible government then existing in India."

In 1927, the national movement was at one of its periodic low points. Hindu-Muslim riots, financial stringency and the frustration of living under an almost unworkable constitution (see Keith p. viii) had taken their toll. A unifying and galvanizing issue was required and Britain supplied it.

a. Public Agenda-the Objectives, Makeup and Method of Operation of the Commission as Presented to the India Public by Lord Irwin on 8 November 1927

"The question of what should be the composition of the Commission is one to which the answer must inevitably be greatly influenced by the nature of the task which Parliament has to perform in the light of its advice. In order that the decision at which His Majesty's Government have arrived may be fully understood, it is necessary to state in a few words what they conceive that task to be. If it were simply the drawing up of a Constitution which Parliament, which must in any circumstances be the final arbiter, would impose on India from without, the problem would be comparatively simple. But that is not how His Majesty's Government conceive it. The preamble to the Act of 1919 recognized, in effect, that with the development of Indian political thought during the last generation, legitimate aspirations towards responsible government had been formed of which account must be taken. His Majesty's present Government desire no less to take account of those aspirations, and their hope is to lay before Parliament-after the investigation into facts prescribed by the Act-conclusions which shall, so far as is practicable, have been reached by agreement with all parties concerned. It is with this object steadily in view that His Majesty's Government have considered both the, composition of the Commission and the procedure to be followed in dealing with its Report.

"It would be generally agreed that what is required is a Commission which would be unbiased and competent to present an accurate picture of the facts to Parliament, but it must also be a body on whose recommendations Parliament should be found willing to take action which a study of these facts may indicate to be appropriate.

"To fulfil the first requirement it would follow that the Commission should be such as may approach its task with sympathy and a real desire to assist India to the utmost of its power, but with a mind free from preconceived conclusions on either side. It is, however, open to doubt whether a Commission constituted so as to include a substantial proportion of Indian members and, as it rightly would, British official members also, would be thought to satisfy the first condition of reaching conclusions unaffected by any process of a priori reasoning. On the one hand, it might be felt that the desire, natural and legitimate, of the Indian members to see India a self-governing nation, could hardly fail to colour their judgement of her present capacity to sustain the role; on the other hand, there are those who might hold that British official members would be less than human if their judgement were not in some degree affected by long and close contact with the questions to which they would now be invited to apply impartial minds.

"But even after such a Commission had written its report Parliament would inevitably approach consideration of it with some element of mental reservation due to an instinctive feeling that the advice in more than one case represented views to which the holder was previously committed. It would move uncertainly among conclusions the exact value of which, owing to unfamiliarity with the minds of their framers, it would feel unable to appreciate.

"We should, however, make a great mistake if we supposed that these matters were purely constitutional or could be treated merely as the subject of judicial investigation. Indian opinion has a clear title to ask that in the elaboration of a new instrument of government their solution of the problem or their judgement on other solutions which may be proposed should be made an integral factor in the examination of the question and be given due weight in the ultimate decision. It is, therefore, essential to find means

by which Indians may be made parties to deliberations so nearly affecting the future of their country." (Gwyer and Appadorai p. 206-207)

b. Covert Agenda-the Timing, Objectives and Makeup of the Commission

Indian nationalists had been demanding an early launching of the Commission since, under the 1919 Act, this was an necessary precursor to the further devolution of power from British to Indian hands. Thus when Birkenhead announced of the appointment of the Statutory Commission on November 8, 1927, two years ahead of the scheduled date, he could present it as a concession to Indian political opinion. However, the reality, as Birkenhead himself wrote (Campbell p. 743) was rather different-

When I made my speech in the House of Lords suggesting that it might be possible to accelerate the Commission of 1928, if some measure of co-operation were forthcoming in India, I always had it plainly in mind that we could not afford to run the slightest risk that the nomination of the 1928 Commission should be in the hands of our successors. You can readily imagine what kind of Commission in its personnel would have been appointed by (Colonel Wedgwood and his friends. [Wedgwood was a strongly pro-Indian ex-Radical tipped as a possible Secretary of State in a future Labour Government.] I have, therefore, throughout been of the clear opinion that it would be necessary for us, as a matter of elementary prudence, to appoint the Commission not later than the summer of 1927.

If, therefore, we take the view that we are not prepared to run the slightest political risks in a problem so grave and so decisive of the future of India, it becomes evident that we ought to aim for the best possible terms from our opponents in compensation for a concession which, rightly considered, is no concession at all, because our own interests imperatively require that we should make it.

The Act of 1919 did not clearly state that the Statutory Commission should be mainly, or wholly made up of members of parliament. In fact, major enquiries going back into the 19th century always included both British and Indian members.

The newly appointed viceroy, Lord Irwin, making the worst misjudgment of his Indian career, wrote to Birkenhead that he would recommend a small parliamentary commission – "five men of the type of the late (Lord Cromer), – which would come to a well-considered judgement; while Birkenhead preferred a mixed commission, as "divergent Hindu and Muslim reports might... be of great assistance... to us if the Commission took the view that a very considerable advance was not to be recommended" (Bridge pp. 19-20).

However, Birkenhead was also worried that the Indians might sink their differences and team up with the labour representatives to recommend a major shift of power to Indians. Probably, on the basis of this concern he accepted Irwin's recommendation. (However,) "The official rationale for limiting to Englishmen membership of the Simon Commission... was that if Indians or bureaucrats became members, they would bring to the evaluation preconceived notions and thereby affect the commission's findings and the readiness with which Parliament would accept its report." (Barrier p. 103)

To head the Commission he selected Sir John Simon. The other commission members were little known. However, one of the two labour members was Clement Attlee who, as British prime minister, was to grant India independence in 1947.

Simon was on the right wing of the declining Liberal party and would later become the leader of the National Liberals. Like Birkenhead he was a brilliant lawyer. The following is quoted from Bridge pp. 20-21 –

Simon was Bikenhead's choice. Although a front-rank Liberal, he had all the attributes Birkenhead required. He was persona' grata with the: Conservatives after his anti-Labour stance in the General Strike of May 1926.

Moreover, he had been a close friend of Birkenhead's since they had played in the Wadham XV together at Oxford and gone on to the Bar and politics. Both were politicians' politicians as is witnessed by the probably apocryphal story that the two had tossed a coin to decide which would be a Liberal and which a Tory. Like Birkenhead, Simon had a brilliant legal career; unlike

him, he had what Birkenhead called "great subtlety" and "tact", though others less friendly, like Neville Chamberlain, detected a "slyness which is rather disconcerting in a man of the first rank". Another Tory … reported later that "every-thing this brilliant man does seems shifty or even, worse; he has a lamentable reputation as a twister"; "adroit" and "suave"…. Birkenhead reported that "his views upon the fundamentals of the matter; are very largely in agreement with my own" ; and they played golf together "'nearly every day" in the summer recess that their views might be in even better accord…. Out of office since 1916 Simon welcomed the opportunity "to play my part in this tremendous' business"…. Geoffrey Dawson thought the Conservatives were taking quite a risk. Though Simon had great intelligence, the Commission was "a terribly weak team" and "it is really trusting him very highly to turn him loose with such a feeble band of colleagues."

Golant (p. 165) wrote-

"Attlee-along with Vernon Hartshorn, the Labour Party representative-wrote of Simon: 'He was at,his best when a decision had not to be taken. ' The other four commissioners were staunchly conservative: Lord Burnham, editor of the Daily Telegraph was an unashamed imperialist, Edward Cadogan (see) believed 'in the great imperial idea', George Lane-Fox was related to both Baldwin and Lord Irwin, and Lord Strathcona was decidedly anti-black. Strathcona believed they were 'sent on the Commission to give it a certain elegant demeanour and make things socially easier for Lord Irwin; the main purpose of the Commission was for it to be a show of strength, Indians liking the aristocracy and being great snobs'.... (They were called) the 'simple seven'."

Before these men, brilliant Indians (the 2 Nehrus, Sapru, Jinnah etc.) were to appear merely as witnesses. They would have done well to consider what Montagu had written about Jinnah a decade earlier (Read p. 137)-

"Chelmsford tried to argue with him, and was tied up into knots. Jinnah is a very clever man, and it is, of course, an outrage that such a man should have no chance of running the affairs of his own country"

c. Racial and Cultural Assumptions

As put by (Johnson):

"Though offering far more advanced constitutional reforms than ever before, the Government of India Act of 1919 expressed the underlying racial, cultural and social dichotomies of its authors. The continued authority of the British at the center, the reliance on race as an important element of politics, the pedagogical nature of the reforms, and the decision to appoint commissions to review and assess Indian compatibility with democratic institutions clearly reflected Britain's negative opinion of Indian political and intellectual thought. Hence, as Britain made political gestures toward greater Indian independence, it continued to undermine this political stance with its deeply embedded bias toward the west. The Simon Commission and constitutional reform in India must be seen within tills tension between Britain's political move to provide greater independence in India, through constitutional reform, and its inability to escape the racial, cultural, and social dichotomies that had long justified imperial rule assumptions shared by the Simon Commission.

"The Simon Commission was given two directives by Parliament: first, to assess India's progress toward responsible government since the Government of India Act of 1919, and second, to draft a report that made recommendations for further constitutional reform…. British officials and Indian leaders alike were well aware that its unspoken mission was to create the groundwork upon which a new constitution, which gave Indians more responsibility while securing British imperial rule…. The Round Table Conference was a direct response to the Simon Commission. By dismissing the Simon Report outright, Indian leaders were stating their rejection of British imperial paternalism of which the Simon Commission was the latest example…. Lord Irwin chose the path of conciliation because the administration of British-India had become impossible in the midst of the non-cooperation movement…. [F]or Govemment of India officials who understood the weakened position of British rule in India, the only viable option was to give India independence within an imperial framework. The offer of dominionhood would do

precisely this. In contrast, the Simon Commission represented a form of British imperial discourse that no longer had any legitimacy in India. Its embedded paternal and racial constructions clearly expressed in the writings of Cadogan, Simon and the report itself, were hotly contested by Indian nationalist leaders…. Simon made the relationship clear in front of the House of Commons before leaving for India for the first visit:

> *'The British have a tremendous responsibility to the peoples of India… which cannot be denied or evaded, for it is rooted in history and in the facts of the world today. If therefore the future of India is to be one of peaceful progress...it can only come about by the action of the British Parliament combined with the cooperation of India itself...The Commission does not go to India with any idea of imposing Western ideas or constitutional forms from without; we go to listen, to learn, and faithfully to report our conclusions as to actual conditions and varying proposals from within.'*
>
> *"Yet the very structure of the Commission-an all-white membership-made it impossible for the Commission to speak for the Indian public "within," and Indians were no longer convinced by the "rooted[ness]"of the historical fact that Britain was the only guide for India or that it even needed a mentor. The Commission's report as well as the way it was produced could only be seen by many Indians as another British imposition."*

7. Indian Reaction to the Make-up of the Commission

The most important aim of a new constitution, from a British point of view, was to attract to their support the Liberals, moderate Congress members while retaining the support of most Muslims and the rulers of the princely states. However, when news reached India that the Commission would be "all-white", the Congress and the Muslim followers of Jinnah announced that they would boycott all its proceedings. Much to the surprise of the British leadership the Liberals, led by Tej Bahadur Sapru and Jaykar also announced that they would boycott the Commission. Reed wrote (pp. 191-193)-

"Lord Lloyd rang me up in my Chiltern abode and said: "I have seen the personnel of the Commission; you will not like it, nor do I." Who could? Just consider the implications of this step. The Commission was to frame for the decision of Parliament the form of government under which Indians were to live for probably a generation. From it Indians were excluded. The chairman was a very distinguished lawyer; Lord Burnham was personally known to some Indian journalists for his kindly and generous hospitality as head of the Empire Press Union; Mr. Attlee had not emerged into the limelight,

> *"As for the other members, well, a kindly veil had better be drawn over their qualifications. Ministers who walk to their seats with steps solemn, ponderous and slow, with Parliamentary Private Secretaries proudly bearing the red boxes behind them; back-benchers who hold their heads higher when the police stop traffic for their march to Palace Yard, quite naturally think no small beer of themselves. They would be shocked at the repute in which they are held abroad….*
>
> *"Indian politicians who had grown grey in the public life of their country were summoned to headquarters and told that they might be heard as witnesses; but they were to have no major part in fashioning the instrument of government…. No wonder they saw red and the greater the sense of esponsibility the hotter the indignation voiced by men like Sir Tej Bahadur Sapru (see Gwyer and Appadorai p. 210), …. the consequences of this act of folly were apparent to all who knew their India….*
>
> *"The Commission staggered round India boycotted by all reputable people. It was soon apparent that no recommendations would have the slightest value unless Indian opinion was associated with them…. Within the fabric of the terms of reference the Commission did seek to enlist Indian support, and step by step the Joint Committee to work with it was established, but it was fatally handicapped by nomination; its members could not agree amongst themselves….*
>
> *"The Simon Report, with all the labour it represented, was a dead letter…. (However, The first volume is the most masterly survey of the conditions of the problem in official literature; if the recommendations in the second volume run away from all this analysis that is no fault of the writer or writers, who did their own work well"*

Mehrota (pp. 219-221) hit the nail on the head-

"All political parties in India in the 'twenties recognized the legislative supremacy of the Imperial Parliament. Even the Congress, which took its stand on the principle of self-determination, bowed to the sovereign and ultimate authority of Parliament. What it challenged was the assertion contained in the Preamble to the Act of 1919 that 'the time and manner of each advance can be determined only by Parliament'. 'Now, that is a proposition', said Motilal Nehru, 'which we cannot accept…., Liberals, Independents and Muslim Leaguers-all alike claimed that Indians should have an equal voice in framing the future constitution for their country, however much they might have differed from Congressmen in the manner of asserting that claim. Dominion precedents were frequently quoted by Indian nationalists in support of their demand to frame their own constitution and submit the same to Parliament for ratification. The recent example of Ireland and the remarks made by Imperial statesmen justifying the procedure followed in her case only strengthened the claim of Indian nationalists. The latter noted and remembered what Lloyd George had remarked during the debate on the Anglo-Irish Treaty on December 14, 1921: 'Here we are going to follow the example which has been set in the framing of every constitution throughout the Empire. The constitution is drafted and decided by the Dominion, the Imperial Parliament taking such steps as may be necessary to legalize these decisions.'… Sir John Simon …. (in a) speech he … delivered in Parliament on November 27, 1922 … (said) 'I believe it would be true to say that Constitutions which promote prosperity and loyalty, and which have been found to be lasting Constitutions for subordinate States in our Empire, have, almost without exception, either actually or virtually, been formed by those who were to live under them themselves.'

"… What India needed in 1927 was not a judicial inquest into the 1919 reforms, such as was entrusted to the Simon Commission. The working of dyarchy had proved nothing and settled nothing. It had been a foggy episode in which all parties had been groping. Its results had been so diverse and confused as to make it impossible to base any confident conclusions upon it and extract from its records any sure guidance for the future. Howsoever intelligent the 'jury' they could not find a solution to the Indian puzzle…. The great need of the hour in India was to restore confidence in the good intentions of the Imperial Government. This could only be done by a sympathetic understanding of the Indian problem and by determining the political advance of the country in co-operation with its leaders. The most perfect and impartial findings of an excellent Commission could be of little use if they were not acceptable to the main body of Indian nationalists. The difficulties in the way of composing a mixed Commission were obvious and many, but certainly there were other ways of approaching the problem, and the considerations which prompted the Government of India and the Secretary of State not to search for these alternative methods do not reflect much credit on either."

8. Progress of the Commission and Its Recommendations

The Commission was effectively boycotted by all important elements of Indian political opinion. Nevertheless, the members worked hard on its two volume report. As noted above, the first volume was a masterly review of the situation in India and retains its value, as a historical document, to this day.

The *Commission's recommendations* were:

- *Future Advance*-The first principle which we would lay down is that the new constitution should, as far as possible, contain within itself provision for its own development. It should not lay down too rigid and uniform a plan, but should allow for natural growth and diversity. Constitutional progress should be the outcome of practical experience. Where further legislation is required, it should result from the needs of the time, not from the arbitrary demands of a fixed time-table. The constitution,while contemplating and conforming to an ultimate objective, should not attempt to lay down the length or the number of the stages of the journey…. It has been a characteristic of the evolution of responsible government in other parts of the British Empire that the details of the constitution have not been exhaustively defined in statutory language.

On the contrary, the constitutions of the self-governing parts of the British Empire have developed as the result of natural growth, and progress has depended not so much on changes made at intervals in the language of an Act of Parliament, as on the development of conventions, and on the terms of instructions issued from time to time to the Crown's representative. The Preamble to the Government of India Act declares that progress in giving effect to the policy of the progressive realisation of responsible government in British India can only be achieved by successive stages; but there is no reason why the length of these successive stages should be defined in advance, or why every stage should be marked by a commission of enquiry." (Simon Report vol. 2 p.5)

- *Almost Responsible Government at the Provincial Level* – Dyarchy should be scrapped and Ministers responsible to the Legislature would be entrusted with all provincial areas of responsibility. However, safeguards were considered necessary in areas such as the maintenance of peace and tranquility and the protection of the legitimate interest of the minorities. These safeguards would be provided, mainly, by the grant of special powers to the Governor.
- *Federation* – The Report considered that a formally federal union, including both British India and the Princely States, was the only long-term solution for a united, autonomous India.
- *Immediate Recommendations at the Centre*-to help the growth of political consciousness in the people, the franchise should be extended; and the Legislature enlarged. Otherwise, no substantial change was recommended in the Centre. The Report strongly opposed the introduction of Dyarchy at the Centre. It should be noted that Simon set great store on having a unanimous report. This could only be done if he recommended no change at the centre as: the diehards were opposed to any Indian responsibility at the Centre: the Conservative leadership would oppose any responsibility at the Centre which did not build in conservative-pro-British control (as they tried to do in the Government of India Act 1935; and, Labour would oppose the type of gerrymandering at the Centre necessary to meet the requirements of the Conservative leadership.

9. Impact of the Simon Commission

a. The appointment of the "all-white" Simon Commission reinvigorated Indian Nationalism to a high pith of activity which would have a major impact throughout the remaining years of the British Raj. This led, in short order, to the boycott of the Commission the development of the all-party Nehru Report

b. The Indian Round Table Conferences 1931-1933 were an attempt to undo the damage caused by the mishandling of the appointment of the Commission;

c. When the Simon recommendations are compared to the Government of India Act 1935 the following may be noted:

- At the provincial level Simon's recommendations were taken over by the Act but with even more stringent safeguards – i.e. even less true responsible government;
- At the Centre, contrary to Simon's recommendations, the Act authorized the formation of an utterly unworkable federation (see Government of India Act 1935) that never came into being. Thus the Centre remained governed by Government of India Act 1919.

d. Clement Attlee got his education on India on the Commission and both he and Simon were involved in developing Indian policy during the Second World War and Attlee header the labour Government that Granted India independence in 1947.

5

Dr. Ambedkar with the Simon Commission

(Indian Statutory Commission)

STATEMENT "C"

concerning the safeguards for the protection of the interests of the Depressed Classes as a minority in the Bombay Presidency and the changes in the composition of and the guarantees from the Bombay Legislative Council necessary to ensure the same under Provincial Autonomy submitted by

Dr. Bhimrao R. Ambedkar, M.A., PH.D., D.SC., BAR-AT-LAW

Member of the Legislative Council, Bombay on behalf of the

Bahishkrita Hitakarini Sabha (Depressed Classes Institute of Bombay) to the

Indian Statutory Commission
29th May 192
Damodar Hall
Parel, Bombay-12
INDIA

1. Protection through Adequate Representation

1. *Preliminary—The* Sabha feels relieved of great anxiety by the decision of Parliament not to appoint an Indian on the Statutory Commission. The agitation for the appointment of an Indian would have been proper if the Commission had to consider a common Indian demand for self-government. But the fact is that the

Commission shall have to consider not one demand, but a variety of demands made by the different interests prevailing in the country. That being the case the agitation should have been for a representation of all such interests on the Commission. The Sabha desires to point out that nothing could have satisfied the Depressed Classes better than the appointment of Indians representing various interests in the country, including their own, on the Statutory Commission. The demand for representation on the Statutory Commission was not, however, of such a nature and the Sabha, therefore, could not feel at one with those who urged it. The Sabha, it is true, did not agitate as it should have done, in conformity with its own views, for the representation of the Depressed Classes on the Commission. But that was because the Sabha felt that it was too much to hope for in a country where those in charge of the affairs from the Viceroy downwards have cultivated the habit of recognising the noisy few and forgetting the dumb millions. To use the language of Burke, because half a dozen politicians, like grasshoppers under a fera, make the field ring with their importunate chink, whilst the masses, like thousands of great cattle, are reposing beneath the shadow of the oak, chew the cud and are silent, the Government of India imagines that the politicians who make the noise are the only inhabitants of the field—that, of course, they are many in number.— or that, after all, they are other than the little, shrivelled, meagre, hopping, though loud and troublesome insects of the hour. But there was also another reason why the Sabha did not press for its views. In the opinion of the Sabha this exclusion of Indians from the Statutory Commission was no small mercy to the Depressed Classes. For, by their non-appointment the Depressed Classes are, at any rate, saved the prejudice that would have otherwise been caused to their case, which the Sabha has hereby undertaken to place before the Commission.

2. I*njustice done to the Depressed Classes in 1919.*—The Montague Chernsford Report recognised fully (para. 151) that the existence of the social differences and divisions formed " a feature of Indian Society which is out of harmony with the ideas on which elsewhere in the world representative institutions rest " and the authors of the Report (para. 153) held that they "have to be taken into account

and they must lead us to adjust the forms of popular Government familiar elsewhere to the special conditions of Indian life." In accordance with this, the authors of the Report, in order to pacify the Depressed Classes who had stoutly opposed the introduction of the Reforms, undertook to safeguard their interests as will be seen from the following statement in paragraph 155 of their Report in which they say: "We have shown that the political education of the Ryot cannot be very rapid and may be a very difficult process. Till it is complete he must be exposed to the risk of oppression by people who are stronger and cleverer than he is; and until it is clear that his interests can safely be left in his own hands or that the Legislative Council represent and consider his interests, we must retain power to protect him. *So with the Depressed classes, we intend to make the best arrangements we can for their representation in order that they too may ultimately learn the lesson of self-protection.* But if it is found that their interests suffer and that they do not share in the general progress, we must retain the means in our hand of helping them........."

3. The Sabha regrets that all these promises were thrown to the wind by the Southborough Committee which was subsequently appointed to devise franchise, frame constituencies and to recommend what adjustments were needed to be made in the form of the proposed popular Government as a consequence of the peculiar social conditions prevalent in India. So grossly indifferent was the Southborough Committee to the problem of making adequate provision for safeguarding the interests of the Depressed classes that even the Government of India which was not over-particular in this matter felt called upon in paragraph 13 of their Despatch on the Report of the Southborough Committee to observe: " We accept the proposals (for nonofficial nomination) generally. But there is one Community whose case appears to us to require more consideration than the Committee gave it. The Report on Indian Constitutional Reforms clearly recognised the problem of the Depressed classes and gave a pledge respecting them. The castes described as 'Hindus—others' in the Committee's Report though they are defined in varying terms, are broadly speaking all the same kind of people. Except for differences in the rigidity of their exclusion they are all more or less in the position of the Madras *Panchamas,* definitely outside that part of the Hindu

Community which is allowed access to their temples. They amount to about one-fifth of the total population, and have not been represented at all in the Morley-Minto Councils. *The Committee's Report mentions the Depressed Classes twice, but only to explain that in the absence of satisfactory electorates they have been provided for by nomination. It does not discuss the position of these people or their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them. Paragraph 24 of the Report (of the Franchise Committee) justifies the restrictions of the nominated seats on grounds which do not suggest that the Committee were referring to the Depressed Classes.* The measure of representation which they propose for this Community is as follows:

Province	Total population in millions	Population of Depressed classes in Millions	Total seats	Seats for the Depressed classes
Madras	39.8	6.3	120	2
Bombay	19.5	0.6	113	1
Bengal	45.0	9.9	1.27	1
United Provinces	47.0	10.1	120	1
Punjab	19.5	1.7	85	
Bihar and Orissa	32.6	9.3	100	1
Central Provinces	12.0	3.7	72	1
Assam	6.0	0.3	54	
Total	221.4	41.9	791	7

" These figures speak for themselves. It is suggested that the one-fifth of the entire population of British India should be allotted seven seats out of practically 800. It is true that in all the Councils there will be roughly a one-sixth proportion of officials who may be expected to bear in mind the interests of the depressed (?); but that arrangement is not, in our opinion, what the Report on Reforms aims at. The authors stated that the Depressed Classes should also learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the Community in an Assembly where there are 60 to 90 Caste-Hindus. To make good the principles of paragraphs 151, 152, 154 and 155 of the Report we must treat the out-castes more generously.........'"

4. The Sabha feels happy that it is not alone in its opinion as to the injustice done to the Depressed Classes by the framers of the Reforms Scheme of 1919. This opinion was also shared by the Muddiman Committee which was appointed two years afterwards to report upon the possibility of improving and enlarging the scheme of Reforms. That Committee admitted in its Report (Paragraph 64) that the representation granted to the Depressed Classes under the Scheme was inadequate.

5. *Extent of Representation that must be granted to the Depressed classes.*—What then should be the extent of the representation of the Depressed Classes which can be said to be adequate ? In the opinion of the Sabha the following scheme for the composition of the Legislative Council of Bombay assuming that Sind will be separated from the Presidency may be deemed to satisfy the demand of the Depressed Classes for adequate representation:

Composition of the Bombay Legislative Council
FOR
BOMBAY PRESIDENCY WITHOUT SIND

	Constituencies	**Total No. of seats**	**Reserved for the Depressed classes**	**Reserved for Mohame-dans**	**Reserved for Marathas and allied castes**
	GENERAL				
	(a) URBAN				
1	Bombay City North	5	1	1	
2	Bombay City South	3			
3	Ahmedabad City	3	1	1	
4	Surat City	1			
5	Sholapur city	3	1	1	
6	Poona	1	-	-	Same as now
	(b) Rural				
	Northern Division				
7	Ahmedabad District	5	1	1	
8	Broach District	4	1	1	
9	Kaira District	5	1	1	
10	Panchmahals District	4	1	1	
11	Surat District	5	1	1	
12	Thana District	5	1	1	
	Central Division				
13	Ahmednagar District	5	1	1	
14	Khandeah East District	6	1	1	
15	Khandesh West District	5	1	1	
16	Nasik District	5	1	1	
17	Poona District	6	1	1	
18	Satara District	6	1	1	
19	Sholapur District	5	1	1	
	Southern Division				
20	Belgaum District	5	1	1	
21	Bijapur District	5	1	1	
22	Dhanvar District	6	1	1	
23	Kanara District	4	1	1	
24	Kolaba District	4	1	1	
25	Ratnagiri District	6	1	1	
	Total of General	112	22	22	
	II. SPECIAL				
26	Labour Unions	4			
27	University	3			
28	Europeans	4			
29	Mi Ilowners	*2*			
30	Commerce	*1*			
31	Agriculture	*3*			
32	Inamdars	1			
33	Officials	9			
	Total of Special	28			
	Grand Total	140			

which should be the strength of the Bombay Legislative Council.

6. In case it is decided to keep Sind as part of the Bombay Presidency the Sabha would like to propose the following scheme for the composition of the Bombay Legislative Council:

Composition of the Bombay Legislative Council
II. BOMBAY PRESIDENCY WITH SIND

3 Karachi City	1	…	
4 Ahmedabad City	3	1	
5 Surat City	2	…	
6 Sholapur City	4	1	
7 Poona City	2	…	
(b) RURAL			
8 Ahmedabad District	5	1	
9 Broach District	4	1	
10 Kaira District	4	1	
11 Panch Mahals District	4	1	
12 Surat District	4	1	
13 Thana District	4	1	
14 Ahmednagar District	4	1	
15 Khandesh East	5	1	
District	4	1	
16 Nasik District	5	1	
17 Poona District	5	1	
18 Satara District	4	1	
19 Belgaum District	4	1	
20 Bijapar District	4	1	
21 Dharwar	4	1	
22 Kanara District	5	1	
23 Ratnagiri District	2	…	
24 Eastern Sind District	2	…	
.	4	1	
25 Western Sind District	4	1	
26 Sholapur District	4	1	
27 Kolaba District			
28 Khandesh West			
District			
Total	86	22	
II. MOHAMMEDAN			
(a) URBAN			
29 Bombay City	2		
30 Karachi City	2		
31 Ahmedabad City	1		
32 Surat City	1		
33 Poona City	1		
34 Sholapur City	1		
(b) RURAL			
35 The Northern	2		
Division	3		
36 The Central	3		
Division	2		
37 The Southern	2		
Division	2		
38 Hyderabad District	2		
39 Karachi District			
40 Larkana District			
41 Sukkur District			

42 Thar and Parkar District	2		
43 Nawabshah District	2		
44 Upper Sind Frontier	2		
Total	30		
III. SPECIAL			
45 Labour Unions	4		
46 University	2		
47 Europeans	4		
48 Millowners	1		
49 Commerce	1		
50 Agriculture	1		
51 Inamdars and Jaghirdars	2		
52 Officials	9		
Total for Special	24		
Grand Total	140		

7. In either case the demand of the Sabha is for 22 representatives of the Depressed classes in a Council composed of 140 members. The Sabha desires to state emphatically that this much representation to the Depressed classes in a Council of 140 is only just. The Sabha is aware that some people are likely to call such a demand as a very large one. Such a view must however be deemed to be the result of prejudice against the Depressed classes. It cannot be said to be founded upon any definite reason. The Sabha thinks that an exact idea as to the population of the Depressed classes would be a sufficient corrective to views of this sort. *For, it must be admitted that population is a measure by which to evaluate the representation that is to be granted to any community.* The computation of the exact strength of the Depressed classes is therefore a matter of considerable importance. The Depressed classes of the Bombay Presidency have already suffered an injustice at the hands of the Southborough Committee in 1919. That Committee gave in its Report a grossly wrong figure##<![endif]> as to the exact strength of the Depressed classes in the Bombay Presidency—a figure which was absolutely unwarranted by the Census of 1911. (##The figure given by the Southborough Committee and adopted by the Government of India in the Table given above was 577,516. According to the authority relied upon by the Southborough Committee the population of the Depressed classes in the Bombay Presidency in 1911 was 2,145,208)

So small was the strength of the Depressed classes shown by the Southborough Committee that even the paltry suggestion of the Government of India to give two representatives to the Depressed classes in the Bombay Legislative Council failed to

have any effect. Similar attempt is now being made in responsible quarters to whittle down the population of the Depressed classes. For instance, Mr. Bajpai speaking on behalf of the Government of India in the Legislative Assembly on the 23rd February 1928 said "that the population of the Depressed classes in India was much exaggerated and that the real strength of the Depressed classes was only 281/2 millions and not 60 millions " as used to be stated theretofore. The Sabha fears that the Commission may fall into the same error in which the Southborough Committee fell and may in consequence make proposals based upon such erroneous calculation. The Sabha therefore desires to draw the attention of the Commission to what the Director of the Census of India has to say in this connection. In Chapter XI of Volume I of the Census of India 1921 the Director observes:

" Paragraph 193. It has been usual in recent years to speak of a certain section of the community as the ' Depressed classes '. So far as I am aware the term has no final definition, nor is it certain exactly whom it covers. In the Quinquennial Review of the Progress of Education from 1912 to 1917 (Chapter XVIII paragraph 505), the Depressed classes are specifically dealt with the point of view of educational assistance and progress, and in Appendix XIII to that Report a list of the castes and tribes constituting this section of the community is given. The total population classed according to these lists as depressed amounted to 31 million persons or 19 p.c. of the Hindu and Tribal population of British India. There is undoubtedly some danger in giving offence by making in a public report social distinctions which may be deemed invidious; but in view of the lists already prepared and the fact that the ' depressed' have especially in South India, attained a class consciousness and a class organization, are served by special missions, ' raised ' by philanthropic societies and officially represented in the Legislative Assemblies, it certainly seems advisable to face the facts and to attempt to obtain some statistical estimate of their numbers. I. therefore, asked Provincial Superintendents to let me have an estimate based on Census figures of the *approximate* strength of the castes who were usually included in the category of ' depressed'. I received lists of some sorts from all Provinces and States except the United Provinces, whose extreme delicacy of official sentiment shrank from facing

the task of attempting even a rough estimate. The figures given are not based on exactly uniform criteria, as a different view is taken of the position of the same group in different parts of India, and I have had in some cases to modify the estimate on the basis of the figures in the educational report and of information from the 1911 reports and tables. *They are also subject to the general defect which has already been explained, that the total strength of any caste is not recorded.* The marginal statement [reproduced below] gives, however, a rough estimate of the *minimum* numbers which may be considered to form the 'depressed classes ' of the Hindu Community. The total of these provincial figures adds up to about 53 millions. *This, however, must be taken as a tow and conservative estimate since it does not include* (1) *the full strength of the castes and tribes concerned and* (2) *the tribal aborines most recently absorbed in Hinduism, many of whom are considered impure.* We may *confidently* place the numbers of the depressed classes, all of whom are considered impure, at something between 55 and 60 millions in India proper....."

POPULATION OF THE DEPRESSED CLASSES IN INDIA

Provinces	000's omitted
Total	52,680
Assam	2,000
Bengal	9,000
Bihar and Orissa	8,000
Bombay	2,800
C. P. and Berar	3,300
Madras	6,072
Punjab	2,893
U. P.	9,000
Baroda	177
Central India	1,140
Gwalior	500
Hyderabad	2,339
Mysore	932
Rajputana	2,267
Travancore	1,260

8. This cautious and considered estimate of the Director of Census must supersede all guesses and surmises regarding the strength of the Depressed classes in the different Provinces of India. It destroys the validity of the estimate of Mr. Bajpai. For, it has been arrived at after scrutinizing the figures that have appeared in the Provincial Educational Reports which Mr. Bajpai says have formed the basis of his statement. Its correctness must be admitted. For, as the Director says it was arrived at after a deliberate investigation. The Sabha must therefore insist upon the Statutory Commission accepting these figures in preference to any other. According to this estimate the *minimum strength of the Depressed classes in the Bombay Presidency is 28,00,000 souls* or *10.8 p.c. of the total population. On the basis of their strength alone the Depressed classes are entitled to 15 seats out of a total of 140.*

9. If the strength of a community was the only factor governing the extent of the representation to be granted to it, then the demand for the seven extra seats for the depressed classes would no doubt appear to be one for an unearned increment. *It must however be recognised that the strength of the community cannot be taken as the sole factor in determining matters of this sort. The standing of a community is no less an important factor to be taken into account in determining its quota of representation.* The standing of the community must mean its power to protect itself in the social struggle. That power would obviously depend upon the educational and economic status of the community. It follows from the recognition of the principle that *the lower the standing of a community the greater is the electoral advantage it must get over the rest.* There can be no two opinions that the standing of the Depressed classes both educational and economical is the lowest in this Presidency. Consequently they are entitled to some electoral advantage over what they are entitled to on the basis of their strength. This electoral advantage must be greater in the case of the Depressed classes than in the case of any other community of equal strength and standing; because no community can be said to form a submerged class in the same sense in which the Depressed classes do. Nor can any class be said to be burdened with those grave disabilities which form the common lot of the Depressed classes and which prevent them from rising above their degraded station in life. This is one

reason why the Sabha feels justified in asking for this increment in representation. There is also another reason which the Sabha thinks must justify the extra representation claimed by it for the Depressed classes. The representation of a minority, if it is to protect the minority, must also be effective. If not, it would be a farce. To escape this reproach it must be recognised that *if a minority is lo be protected then there must be enough representatives of the minority to save it from being entirely submerged.* To put the same thing in the form of a proposition, the effectiveness of a minority representation depends upon its being large enough to have the sense of not being entirely overwhelmed. In claiming this extra representation the Depressed classes, the Sabha thinks, are entitled to invoke this principle in their favour, in common with the rest of the minorities in the country.

10. *Necessity for impartial treatment of all minority communities-* -These principles governing the extent of representation are those which have been laid down by the Government of India in their despatch reviewing the Report of the Southborough Committee. The Sabha desires to point out that the case of the Depressed classes was more deserving of the application of such principles than that of any other community that could have been thought of in the whole of India. In practice, however, the benefit of these principles was rigorously denied to the Depressed classes all throughout India and was literally showered upon a community like the Mohammedans holding a stronger and better position in the country than can be predicated of the Depressed classes. To point out one such instance of unequal treatment the Sabha would invite the attention of the Commission to the two following cases:—

Provinces	Muslim Population	Seats for Moslems	Depressed classes population	Seats for Depressed classes
Central Provinces	574,276	1	3,060,232	2
Bombay Presidency	1,207,443	7	1,627,980	1

Howsoever indignant one may feel over the perpetration of such injustice to the Depressed classes the Government of India does not blush at it. For, it had avowedly enunciated those principles for the very limited purpose of applying them to the

Mohammedans only. This was due, as everyone knows, to the distinction the Government of India made in the political importance of the different communities. The Sabha protests against this grading of the citizens of a country on the basis of their political importance. There can be no safe and secure rule except the one that all communities are politically of equal importance. This invidious distinction is at the root of all the communal troubles and is destructive of the principle of equal opportunity. The introduction of this principle in the governance of India at the time when the 1st instalment of Reforms was granted by Parliament was disastrous to the interests of the Depressed classes. The Sabha is glad to find the present Secretary of State recognising the existence of the Depressed classes as a problem for serious consideration in the decision that may now be taken with regard to the enlargement of the scope of the Political Reforms already introduced. But the Sabha is anxious to point out that such recognition would be of no consequence to the Depressed classes if it is not reflected in the changes that may now be introduced into the framework of the constitution of the country.

11. *Mode of representation.*—The Sabha is opposed to the principle of nomination and would insist upon the extension of the principle of election to the Depressed classes. Election is not only correct in principle from the standpoint of responsible Government, but is also necessary in practice from the standpoint of political education. Every community must have an opportunity for political education which cannot well be secured otherwise than by the exercise of the vote. It must be regarded as unfortunate that the Depressed classes who need such education, more than any other community, should be denied an opportunity to take their share in the rapidly developing political life of India. There is also another reason why election in the case of the Depressed classes is a necessity. Ministership is a very important privilege and the Depressed classes cannot afford to forego the same. No great benefit can come to them from the introduction of Political Reforms unless they can find a place in the Cabinet of the country, from where they can influence the policy of the Government. This opportunity will be denied to them so long as they are denied the

opportunity of electing their own representatives. For, under responsible Government nominated members must continue to be ineligible for office. A system of representation like that of nomination which deprives the Depressed classes of this right must stand self-condemned.

12. Two objections are usually urged against the application of the principle of election to the Depressed classes.

Difficulty in forming constituencies.—This objection, the Sabha thinks, must be ruled out of serious consideration as not being honest. It! difficulty in the matter of forming constituencies was a consideration which led Government to prefer nomination to election in the matter of the representation of the Depressed classes, it is difficult to understand how the Government ventured to apply the principle of election to the Moslems and the Europeans. These communities are not less scattered than the Depressed classes and no constituencies can be formed for them including the existing one, which cannot be condemned as absurd from a logical point of view. All the same, the Government of Bombay did abandon its aesthetic sense and undertook to form as symmetrical constituencies for these communities when it found impossible to form symmetrical ones. All these difficulties in regard to the formation of the constituencies for the Depressed classes are, however, set at rest under the scheme of representation outlined by the Sabha. The problem being thus simplified, no objection ought now to be raised for the substitution of the principle of nomination by the principle of election.

Difficulty in getting a sufficiently large electorate.—Will there be a sufficient number of electors in any constituency lo make the election of the Depressed classes to the Council a real election ? By way of pointing out a difficulty in substituting election for nomination this question is usually raised and answered in the negative. The difficulty would no doubt be there if it is decided that the existing pitch of the franchise is not to be touched and so long as the pitch continues where it now is, the Sabha must admit that the number of electors among the Depressed classes will be very few. But the Sabba thinks that the existing pitch of the franchise is unjustifiable on every ground. It has turned responsible Government into a mockery. It means a Government

of the whole Presidency of two crores of people by a minority of seven lakhs who happen to have the good fortune of being voters under the existing franchise. Such a state of things is clearly vicious and cannot be allowed to continue in future, if there is to be responsible Government, not merely in name but also in fact. It is to be regretted that the question of franchise does not seem to have been adequately pressed by the class that is most vocal in demanding Reforms.

Democracy is alleged to be the aim of that class, but if the truth be told, in the words of the Government of Burma, " they are in favour of democratic institutions mainly because they are making an appeal to a democratic nation. They could not very well call for democracy and leave the *Demos* out. Their chief interests in the Reforms is centered in the powers that they expect to gain over the executive. The broad franchise and responsible voting in its true sense by the rural electors is not at all the central idea of their demand. As long as their own class will furnish the Legislative Councillors who will exercise the desired control, it is immaterial to them whether these represent few or many voters." Whether or not this is the correct diagnosis of the difference of the Indian politicians to the important question of franchise, the fact remains that the question of franchise occupies in Congress politics a very subordinate place as compared to the question of the transfer of powers.

In the opinion of the Sabha, this attitude of the Congress politicians is a reversal of the true relationship between the question of the franchise and the question of transfer of power. It must be admitted that the dictum of the Government of India that the forces which now hold the administration together cannot be withdrawn before satisfactory substitutes are ready to take their place, must find acceptance in all quarters which are willing to look at things from a proper perspective. Now these substitutes must obviously be the electors; it follows therefore that the degree and the kind of responsibility which can be introduced into the Government of the country will depend upon the strength of the electors. So vital is this question of the franchise that upon its determination alone can depend the degree of the transfer of political power. What should be the franchise is therefore a most

important question. In the way in which it is determined at present the Sabha wishes to point out that the principle aim of representative Government has been lost sight of altogether. *Franchise means the right to determine the terms of associated life.* Franchise can mean nothing else. If that is the meaning of franchise, then it follows that it should be given to those who by reason of their weak power of bargaining are exposed to the risk of having the terms of associated life fixed by superior forces in a manner unfavourable to them. If this is true, then the very exigencies of representative Government demand that the franchise, if the term is properly understood, must be fixed so low as to bring it within the reach of the large majority of the poor and the oppressed sections of society. Indeed adult franchise is the only system of franchise which can be in keeping with the true meaning of that term. The Sabha would, however, be content if the franchise for the Legislative Council is fixed at the same level as that for the Taluka Local Board in the rural parts and Rs. 3 rental per month in urban parts of the Presidency. The fear often entertained on the part of the Government that such a lowering of the franchise will bring in a large part of unintelligent people is without foundation. Large property is not incompatible with ignorance. Nor is abject poverty incompatible with high degree of intelligence. Property may as well dull the edge of intelligence. On the other hand poverty does and often must stimulate intelligence. Consequently the adherence of the Government to a high property qualification as an insurance against ignorance is nothing but a superstition, which is sedulously cultivated by the classes and fostered by the Government in order to deprive the masses of their right to the making of their Government.

13. *System of Election.*—Free election in general constituencies is, in the opinion of the Sabha, out of the question so far as the Depressed classes are concerned. On the other hand the Sabha does not wish to ask for Communal electorates. In its opinion, it would be sufficient if the Depressed classes arc provided with reserved seats in the general constituencies. In the case of the candidates for election from the Depressed classes the Sabha would urge the total abandonment of the residential qualification and a partial relaxation in the condition as to deposit.

14. *Representation in the Assembly.*—The Sabha respectfully protests against the non-recognition of the right of the Depressed classes in the Legislative Assembly in 1919. The Government of India is still supreme in important matters which are directly under its control or under the Reserved half of the Provincial Governments.

Even in respect of the Transferred subjects it continues to have the power of superintendence. It is, therefore, obvious that in the direction of such large powers the Depressed classes should have some voice and the Sabha would, therefore, claim that three members from the Depressed classes of the Bombay Presidency should be elected to the Legislative Assembly by their representatives in the Local Legislative Council.

II. PROTECTION THROUGH GUARANTEES

15. In addition to the demand for adequate representation the Sabha feels that it must also demand the inclusion of clauses in the constitution of the country and as a fundamental part thereof guaranteeing the civil rights of the Depressed classes as a minority in the Bombay Presidency. Such guarantees must cover the recognition of the following propositions concerning the interests of the Depressed classes:—

(1) That the education of the Depressed classes shall be recognised us the first charge on the revenues of the Province and that an equitable and just proportion of the total grant for education should be earmarked for the benefit of the Depressed classes.

(2) That the right of the Depressed classes to unrestricted recruitment in the army, navy, and the police shall be recognised without any limitation as to caste.

(3) That for a period of 30 years the right of the Depressed classes for priority in the matter of the recruitments to all posts, gazetted as well as non-gazetted in all civil services shall be recognised.

(4) That the right of the Depressed classes to the appointment of a special inspector of police from amongst themselves for every District shall be recognised.

(5) That the right of the Depressed classes to effective representation (as defined above) on the Local Bodies shall be recognised by the Provincial Government.

(6) That the right of the Depressed classes to appeal to the Government of India in cases of violation of these rights by the Provincial Government shall be recognised and the Government of India shall be given the power to compel the Provincial Government to conform to the law in the matter.

16. *Justification of such guarantees.*—It may be argued that as the Depressed classes have been given adequate representation in the Council, there can be no danger to their rights, as there can be in the case of an unrepresented minority. Why then should there be these guarantees ? The Sabha demurs to this much faith in the efficacy of a representative form of Government to effectively protect a minority from the tyranny of the majority. In this connection the Sabha would like to invite the attention of the Commission to the views of John Stuart Mill who has observed that " the notion that the people have no need to limit their power over themselves, might seem axiomatic, when popular Government was the thing only dreamt about or read of as having existed at some distant period of the past............ It was now perceived that such phrases as self-government, and the power of the people over themselves, do not express the true state of the case. The people who exercise the power are not always the same people with those over whom it is exercised; and the self-government spoken of is not the government of each by himself, but of each by all the rest. The will of the people, moreover, practically means the will of the most numerous or the most active *part* of the people, the majority or those who succeed in making themselves accepted as the majority; the people, consequently, may desire to oppress a part of their number; and precautions are as much needed against this, as against any other abuse of power. The limitation, therefore, of the power of Government over individuals loses none of its importance when the holders of power are regularly accountable to the community, that is to the strongest party therein. This view of things, recommending itself equally to the intelligence of thinkers and to the inclination of

those important classes in European Society to whose real or supposed interests democracy is adverse, has had no difficulty in establishing itself; and in political speculations the tyranny of the majority is now generally included amongst the evils against which the Society requires to be on its guard."

17. From this it is obvious that representative Government cannot altogether do away with the necessity of such guarantees for the protection of the interests of the minorities in a nation. Indeed it may safely be asserted that a representative form of Government far from being a means of affording protection to the minorities must be deemed to be so very inadequate for that purpose that its introduction without a system of guarantees being made a part thereof was looked upon as a most dangerous experiment.

The postwar history of Europe abounds in such cases. The peace treaties between the allied powers and Zechoslovakia, Austria, Hungary, Rumania and the Polish German Convention relating to Upper Silesia with their guarantee clauses for the benefit of the minorities bear eloquent testimony to the fact that the minorities cannot depend upon the representative form of Government but must seek protection in the form of guarantees of their rights.

18. If representative Government is so weak when operating among European peoples, where the secularisation of politics has gone far further, how much weaker must it be in India where politics is nothing but theology in action. It is this theology against which the Depressed classes must seek to be protected. How destructive is this theology of true citizenship has nowhere been described so well as in the Note by the Hon'ble Sir Alexander Cardew, K.C.S.I., I.C.S., to the Government of India contained in the letter No. 1146 (Reforms) dated the 31st December 1918. The following extracts are made from that Note:

" 2. It may first be asked whether the democratic idea is in accordance with the prevailing philosophy of the people of India. The fundamental principle of the modern democratic State is the recognition of the value of the individual and the belief that as each individual has but one life, full opportunity should be accorded to each to attain his maximum development in that life. Neither of these propositions is accepted in the current philosophy of India. This rather holds that the present life is for each only one of a series of existences; that the position of each individual in this life has been determined for him by his merit or demerit in previous births; and that, therefore, his place in the social organism is irrevocably fixed and cannot be changed. It may therefore be safely asserted that the root notions of democracy run counter to all the ideas which for thousands of years have formed the common stock of popular belief in India.

"3. Closely connected with the doctrine, that each man's place in the present birth has been determined by his actions in the past existences is the institution of caste which has the effect of stereotyping and fixing unalterably the position of each individual in the social scale. Thus a man born a Brahman cannot be other than a Brahman and a man born Pariah can never be other than a Pariah. Equality of opportunity is impossible under such conditions and it is neither recognised nor desired by Indian public opinion.

" 4. At the apex of the caste pyramid stands the Brahman. This caste, originally representing, at least in Southern India, a racial difference, has established through a long period of time its absolute supremacy over all other castes. The Brahman's claim to supremacy is based not only on race and intellect but also on the injunctions of religion. The sanctity of a Brahman's person and religious merit to be obtained by feeding him, paying for his education, providing money for the marriage of his daughters, endowing him with land, has been an established belief in India for centuries......... Brahmans possessed numberless privileges.........

" 6. With such predominance in most walks of life, it is not surprising that the Brahman has easily secured control in politics............... No representative of the great Pariah community nor of the Christian community has ever sat, or would ever have a chance of sitting, for one of these constituencies. This experience strongly suggests that the political machine in the future as in the past will be under the control of the Brahmans, unless special measures are resorted to, to secure adequate representation of the other classes.

" 8. Next to the Brahman sed longo intervello comes the great group of Hindu—castes, some higher, some lower, generally grouped together as non-Brahmans but all equally exclusive and largely antagonistic to one another. It is notorious that if a member of one of these castes attains to a position of influence he fills the offices in his gifts with his fellow castemen. The Standing Orders of the Government recognize this tendency and contain directions to counteract it. The joint report is not ignorant of this, for it says, ' there runs through Indian Society a series of cleavages of religion, race and caste which constantly threaten its solidarity.' These distinctions of castes do not merely threaten the solidarity of Indian Society—they prevent such solidarity from ever existing.

" 9. Below both the Brahmans and the non-Brahman caste Hindus, come the low castes or more correctly the persons of no castes who number in this Presidency [i.e. Madras] some ten millions of people. For convenience they may be referred to as the Panchama or Pariah community. These people are regarded, not merely as belonging to a lower class, but as conveying by their very presence an actual pollution which requires purificatory religious ceremonies.

" 13. The difficulty of introducing democratic institutions into a society such as this, illiterate, divided into hard and fast castes, with Brahman at the top, with the various Non-Brahman Hindu castes in the middle and the low castes liable to be oppressed impartially by both, at the bottom must be very great. Nor does this difficulty seem to have been sufficiently realised by the writers of the Joint Report. Surely the first essential of any scheme of reform is that adequate safeguard should be provided for the good government of the inarticulate masses of the population.......,..,."

19. If this is a correct description of the existing state of affairs then the Minorities of Europe cannot be said to have a better case for obtaining guarantees of their rights than the Depressed classes. *Many people in the world have fallen low by force of circumstances. But having fallen they are free to rise. The Depressed classes on the other hand form a solitary cose of a people who have remained fallen because their rise is opposed to the religious notions of the majority of their*

countrymen. Much was made before the Muddiman Committee by certain persons of the resolutions passed by the various Legislative Councils, throwing open wells, dispensaries and dharamshalas to members of Depressed classes and of the circulars issued by Ministers of Education requiring children of the Depressed classes to be admitted to schools in common with the rest. But what a mockery such resolutions and circulars are will be apparent to the Commission from the perusal of Annexure A to this statement. It will illustrate the attitude of the majority towards the Depressed classes as evidenced by incidents reported from time to time in the various newspapers in the country (item Nos. 1 and 10). From a perusal of these news items it will be realized that the Depressed classes cannot be employed in the army, navy and the police, because such employment is opposed to the religious notions of the majority (item No. 8). They cannot be admitted in schools, because their entry is opposed to the religious notions of the majority (item No. 12). They cannot avail themselves of Government dispensaries, because Doctors will not let them cause pollution to their persons or to their dispensaries (item Nos. 2 and 5). They cannot live a cleaner and higher life, because to live above their prescribed station is opposed to the religious notions of the majority (item Nos. I and 6). So rigorous is the enforcement of the Social Code against the Depressed classes that any attempt on the part of the Depressed classes to exercise their elementary rights of citizenship only ends in provoking the majority, to practice the worst form of social tyranny known to history (item Nos. 4, 7 and II). It will be admitted that when society is itself a tyrant, its means of tyrannising are not restricted to the acts which it may do by the hands of its functionaries and it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection against such tyranny is usually to be found in the Police power of the state. But unfortunately in any struggle in which the Depressed classes are on the one side and the upper class of Hindus on the other, the Police power is always in league with the tyrant majority (item No. II), for the simple reason that the Depressed classes have no footing whatsoever in the Police or in the Magistracy of the country.

20. In view of this, it is unfair to the Depressed classes to be lulled into the belief that their interests would be safe in the hands

of their countrymen, because some Councils have passed resolutions and some of the Ministers have issued circulars favouring the Depressed classes. The Sabha desires to caution the Commission against being lured into forming a better opinion of the Hindu majority from its best instances. Pictures of loving exercise of authority on one side, loving submission to it on the other, of superior wisdom ordering all things for the greatest good of the dependants are very gratifying to read. But such pictures would be to the purpose only if any one from the Depressed Classes denied the existence of good men in the Hindu society. Nobody among the Depressed classes doubts that there would be great and universal happiness under the government of a good Hindu. But the fact is that laws and institutions require to be adapted not to good men but to bad. From this point of view, it is safer to grant the minority the necessary protection by the inclusion of guarantee clauses than to leave it unprotected on the fanciful ground that the tyrant majority has in it a few good men sympathetic to the minority. Such guarantees may be looked down upon by persons other than the Depressed classes as being unnecessary; but from the standpoint of the Depressed classes it is but an essential safeguard. There is such an enormous dread of the Reforms prevalent amongst the Depressed classes that they have from the very beginning opposed their introduction. So strong was their feeling against the Reforms that in one of the addresses presented to Mr. Mantagu the Depressed classes declared " we shall fight to the last drop of our blood, against any attempt to transfer the seat of authority in this country from the British hands to the so-called high class Hindus. " Nothing can allay such fears as the system of guarantees can do. Government is based upon faith and not upon reason. If the Depressed classes can have no faith in the new constitution it is statesmanship to buy that faith if it can be done so with the concession of guarantees herein demanded.

Item No. I

(From the* Times of India *8th February 1928)

NO UPLIFT FOR ANTYAJAS

As a landmark in the rapid progress of Indian social reform, a lecture delivered last month by Mahamahopadhyaya Pandit

Ananta Krishna Shastri (Professor, Calcutta University) to an audience of Sanatanist (orthodox) Agrawal Marwadis of Bombay in the local Nara-Narayan temple, deserves to be rescued from unmerited oblivion. The subject of the discourse was " The way to uplift the Patits (i.e. ' fallen ' untouchables)", and the chair was graced by Shri Jagadguru Anantacharya Maharaj of the new Vaishnav temple in Bombay. The lecturer proved by citations from the Shastras that the various castes have always been in existence and will continue so to exist till the end of all time. He added that those who talk of uplifting the " Fallen " (Antyajas) are merely talking, and that, in fact, there is no way of uplifting the Antyajas in the sense of getting them admitted into any of the four castes or taking them out of their present social position.

ORTHODOX GENEROSITY

The learned lecturer suggested the only possible way of uplifting the " unupliftable Fallen ", namely, generously restoring to them some of their inalienable professions at present encroached upon by unthinking and unorthodox caste people. " In this 20th century," said the Mahamahopadhyaya, " people on getting up in the morning sit down to clean their costly shoes instead of performing their appointed morning ritual. Next they sit down to shave themselves. And instead of cleaning their teeth in the Swadeshi style (i.e., with twigs of babool, etc.), they sit down to rub powder on their teeth with brushes. By doing all these things they deprive Mochis (cobblers), Hajams (barbers), and tooth-stick sellers of their livelihood. Let everyone do his duty according to Dharma and rest content. This is the only way to bring about the uplift of the Antyajas,— let those who have deprived these Fallen people of their means of livelihood restore it to them."

Item No. 2

(From the* Times of India *2nd March 1928)

ANTYAJAS IN INDIA

But, the patriots will protest, all this happened in British India, not in Indian India. Well, we know what happened to Balais only the other day in a big Central India Native State for wearing gold and silver ornaments and absurdly presuming to behave like

touchable caste Hindus. And this is what the *Saurashtra* reports about the Antyajas in Baroda territory where the Maharaja himself sympathises so deeply with these unfortunates: " The order to admit Antyaja boys into Gujarati schools is on paper only. In nearly 95 per cent. of schools the Antyaja children are made to sit outside in the cold, heat or rain, and they are made to fetch cowdung, fuel, droppings, dust etc......... In April 1927 an Antyaja went to the Damnagar dispensary for medicine. The Doctor made him wait for twelve hours and then examined him—from a distance and gave him medicine—from a distance. This happened in the presence of an Antyaja member of the Baroda Legislative Assembly." And the *Pratap* of Surat tells us that when a teacher in the Navasari Antyaja Ashram took an ailing boy to the local hospital, the doctor in charge drove them both away with these remarkable words: " Get away ! This is not Gandhi Raj but Baroda Sarkar's Raj ! "

Item No. 3

(From the **Evening News** *11th May 1926)*

UNTOUCHABLE IN JAMBUSAR MUNICIPALITY

FOUR HINDUS RESIGN

A sensation has been caused in Jambusar at the election of an untouchable to the Jambusar Municipality. Four Hindu members have resigned, while the rest have promised not to touch the untouchable member and to bathe if ever they touched him.

Item No. 4

(From the **Bombay Chronicle***)*

KOLABA DEPRESSED CLASS CONFERENCE

ROWDYISM OF UPPER CLASS HINDUS

The *Times of India* in its issue of the 24th gives a statement of the riot at Mahad. But as that statement is incomplete and fails to give a correct idea of what happened it is necessary to give a complete and correct account of the riot.

A Conference of the Depressed Classes of the Kolaba District was held at Mahad on the 19th and 20th instants [*i.e.* of March 1927] under the Presidentship of Dr. B. R. Ambedkar, Bar-at-Law. The attendance of the depressed classes was over 2,500 and great enthusiasm prevailed. But the work of the Conference was severely marred by a riot, the responsibility for which rests entirely upon the upper class Hindu residents of the town of Mahad. On the first day of the Conference after the President had delivered his address, several upper class Hindus addressed the Conference assuring the depressed classes that, they were willing to help them in all ways and urging that the depressed classes should not cultivate hatred of the upper class Hindus. In pursuance of this. the Subjects Committee drafted a resolution among others laying down what the upper class Hindus should do for the uplift of the depressed classes. In the Subjects Committee attention was drawn by some people to the fact that there was a great difficulty at Mahad for the depressed classes in obtaining water for drinking purposes and that this difficulty was felt not only by the resident depressed classes of Mahad but also by the depressed classes from villages who resorted to Mahad for private business or for the purposes of Government work. So great was the scarcity that water worth Rs. 15 had to be bought each day to satisfy the needs of the Conference. The Municipality of Mahad had sometime ago passed a resolution declaring the tanks in the city to be open to the public but as it had not placed a board there, people feared to resort to them. The Subjects Committee, therefore, decided after taking the sense of the upper classes who attended the Conference in this matter, that the Conference should go in body to the Chowdar tank and help the depressed classes in establishing their right to take water.

A FALSE RUMOUR

When, therefore, the Conference met on the morning of the 20th, and the first resolution which declared what the upper classes should do for the depressed classes was put before the Conference by members of depressed classes the President requested Messrs. Purushottam Prabhakar Joshi and Govind Narayan Dharya [as representatives of the upper classes] to speak on the resolution. With the exception of one clause in the resolution dealing with inter-marriages they both accepted the resolution. Having thus assured itself that there was general support behind it the Conference when the Session was over, went in body to the said tank. The procession was a most peaceful one and everything

passed off quietly. But after about two hours some evil minded leaders of the town raised a false rumour that the depressed classes were planning to enter the temple of Vireshwar, whereupon a large crowd of riff raffs were collected all armed with bamboo sticks. The crowd soon became aggressive and the whole town at once became a surging mass of rowdies who seemed to be out for the blood of the depressed classes.

TWENTY WOUNDED

The depressed classes were busy in taking their meal before dispersing to their villages. When a large part of them had left the town the rowdies entered the kitchen where the depressed classes were taking their food. There would have been a regular battle between the two forces; but the depressed classes were held back by their leaders and thus a far more serious riot was averted. The rowdies finding no occasion for provocation began patrolling the main street and assaulting the members of the depressed classes who in stray batches were passing along on their way to their villages and committed trespass in the houses of several depressed class people and gravely assaulted them. In all, the number of wounded, among the depressed classes is supposed to be as large as 20. In this the attitude of the depressed classes was commendable whereas the attitude of many of the upper classes was unworthy. The depressed classes assembled vastly out-numbered the upper classes. But as the object of their leaders was to do everything in a non-violent and absolutely constitutional manner they set their faces against any aggression on the part of the depressed classes. It speaks a great deal in favour of the depressed classes that although the provocation given to them was immense they kept their self-control. The Mahad Conference has shown that the upper classes are not willing to allow the depressed classes to enjoy such elementary civic rights as taking water from public water-courses.

The most reprehensible part of the conduct of the upper caste Hindus in Mahad and Kolaba District was that messages were sent immediately to the different villages aslang the upper class people there to punish the delegates of the Conference as soon as they returned to their respective villages. In obedience to this mandate assaults were committed on a number of Mahars returning from the Conference either before or after they reached their villages where the depressed classes have the disadvantage of being overwhelmingly out-numbered by the upper caste Hindus. The leaders of the depressed classes have appealed to the authorities for protection and the District Officials including the D. S. P. are making enquiries on the spot. It must, however, be stated that if the Resident Magistrate had not allowed two precious hours to pass without doing anything the riot would have probably been averted.

Item No. 5

(From* Young India *5th May 1927)

MAN'S INHUMANITY TO MAN

(By M. K. Gandhi)

In another column will be seen an extract from *Navajivan* of a most disgraceful case of calculated inhumanity of a medical man towards the dying wife of a member of the suppressed class in a Kathiawad village. Sjt. Amritlal Thakkar who is responsible for giving the details of the case has withheld the names of the place and parties for fear of the poor suppressed class schoolmaster being further molested by the medical man. I wish, however, that the names will be disclosed. Time must come when the suppressed class people will have to be encouraged by us to dare to suffer further hardships and tyranny. Their sufferings are already too great for any further sufferings to be really felt. Public opinion cannot be roused over grievances that cannot be verified and traced to their sources. I do not know the rules of the Medical Council in Bombay. I know that in other places a medical practitioner, who refused to attend before his fees were paid, would be answerable to the Council and would be liable to have his name removed from the Council's list and be otherwise subject to disciplinary action. Fees are no doubt exactable; but proper attendance upon patients is the first duty of a medical practitioner. The real inhumanity, however, if the facts stated are true, consists in the practitioner refusing to enter the untouchable's quarters, refusing himself to see the patient, and refusing himself to apply the thermometer. And if the doctrine of untouchability can ever be applied in any circumstances, it is certainly applicable to this

member of the profession which he has disgraced. But I am hoping that there is some exaggeration in the statement made by Sjt. Thakkar's correspondent and, if there is none, that the medical practitioner will himself come forth and make ample amends to the society which he has so outraged by his inhuman conduct.

READ, REFLECT AND WEEP

There is a school for the children of the suppressed classes in a village in Kathiawad. The teacher is a cultured, patriotic man belonging to the *Dhedh* or Weaver (untouchable) class. He owes his education to the compulsory education policy of His Highness the Gayakwad and had been doing his little bit for the amelioration of his community. He is a man of cleanly habits and refined manners, so that no one can recognise him as belonging to the untouchable class. But because he had the fortune or misfortune of teaching the children of his own community in a conservative village in Kathiawad, everyone regards him as an untouchable. But unmindful of that he had been silently working away. There are some moments, however, when the most patient man living under intolerable conditions may give vent to agony and indignation, which are evident in the following letters from the schoolmaster. Every little sentence in it is surcharged with pathos. I have purposely omitted the names of the village and all the people mentioned in the letter, lest the schoolmaster should come into further trouble.

Namaskar. My wife was delivered of a child on the 5th instant. On the 7th she was taken ill, had motions, lost her speech, had hard breathing and swelling on the chest, and her ribs were aching painfully. I want to call in Dr.— but he said ' I will not come to the untouchable's quarters. I will not examine her either.' Then I approached the Nagarsheth—and the Garrsia Durbar—, and requested them to use their good offices for me. They came and on the Nagarsheth standing surety for me for the payment of Rs. 2 as the doctor's fee, and on condition that the patient would be brought outside the untouchable's quarters, he consented to come. He came, we took out the woman who had a baby only two days old. Then the doctor gave his thermometer to a Musalman who gave it to me. I applied the thermometer and then returned

it to the Musalman who gave it to the doctor. It was about eight O'clock, and having inspected the thermometer in the light of a lamp, he said: ' She has pneumonia and suffocation '. After this the doctor left and sent medicine. I got linseed from the market and we are applying linseed poultice and giving her the medicine. The doctor would not condescend to examine her, simply looked at her from a distance. Of course I gave Rs. 2 for his fee. It is a serious illness. Everything is in His hands !

The light in my life has gone out. She passed away at 2 O'clock this afternoon.

Comment is needless. What shall one say about the inhumanity of the doctor who being an educated man refused to apply the thermometer except through the medium of a Musalman to purify it, and who treated an ailing woman lying in for two days worse than a dog or a cat? What shall one say of the society that tolerates this inhumanity ? One can but reflect and weep.

A. V. THAKKAR

Item No. 6

(From the* Times of India *dated 1-4-28 and 10-2-28)

TYRANNY OF HINDUS

RULES FOR BALAIS

Mode of life laid down

Last May high caste Hindus, viz., Kalotas, Rajputs, and Brahmins including the patels and patwaris of villages Kanaria, Bicholee Hafsi, Bicholi Mardana, and of about 15 other villages in the Indore district informed the Balais of their respective villages that if they wished to live among them, they must conform to the following rules:—

1. Balais must not wear gold lace bordered pugrees;
2. They must not wear dhoties with coloured or fancy borders;
3. They must convey intimation of the death of any Hindu to relatives of deceased—no matter how far away these relatives may be living;
4. In all Hindu marriages, the Balais must play music before the processions, and during the marriages;

5. The Balai women must not wear gold or silver ornaments; they must not wear fancy gowns, or jackets;
6. Balai women must attend all cases of confinement of Hindu women;
7. The Balais must render services without demanding remuneration, and must accept whatever a Hindu is pleased to give;
8. If the Balais do not agree to abide by these terms, they must clear out of the villages.

BALAIS REFUSE COMPLIANCE

The Balais refused to comply; and the Hindu element proceeded against them. Balais were not allowed to get water from the village wells; they were not allowed to let go their cattle to graze. Balais were prohibited from passing through land owned by a Hindu; so that if the field of a Balai was surrounded by fields owned by Hindus, the Balai could have no access to his own field. The Hindus also let their cattle graze down the fields of Balais. The Balais submitted petitions to the Darbar against these persecutions; but as they could get no timely relief, and the oppression continued hundreds of Balais, with their wives and children, were obliged to abandon their homes in which their ancestors lived for generations, and migrate to adjoining States, viz., to villages in Dhar, Dewas, Bagli, Bhopal, Gwalior, and other States.

COMPULSORY AGREEMENT

Only a few days ago the Hindus of Reoti village barely 7 miles to North of Indore City ordered the Balais to sign a stamped agreement in accordance with the rules framed against the Balais by the Hindus of other villages. The Balais refused to comply. It is alleged that some of them were beaten by the Hindus; and one Balai was fastened to a post, and was told that he would be let go on agreeing to sign the agreement. He signed the agreement; and was released. Some Balais from this village ran up to the Prime Minister, the next day, i.e., on the 20th December, and made a complaint about the ill treatment they have received from the Hindu villagers of Reoti. They were sent to the Subha of the

District. This Officer, with the help of the Police, made inquiries at the village, and recommended that action be taken against the Hindus under Sections 342 and 147 and against the Balais under Section 147, Indian Penal Code.

BALAIS LEAVE VILLAGES

CASTE TYRANNY

IGNORANCE OF LAW, A HANDICAP

There has been no improvement in the treatment of the Balais by the Hindu residents of certain villages. Balais, it has already been reported, have been ill treated by the higher caste Hindus. From the Depalpur Pergana alone, Indore District a large number of Balais have had to leave their homes and find shelter in adjoining States. The villages from which Balais have been forced to clear out are Badoli, Ahirkheral, Piploda, Moor-khera, Pamalpur, Karoda, Chatwada, Newri Pan, Sanauda, Ajnoti, Khatedi, and Sanavda. Pamalpur village has been altogether deserted, and not a Balai, man, woman, or child, is to be found there. Nanda Balai, a resident of one of the above villages, it is alleged, was severely beaten by the Hindus of the village. In one village, the report goes, the Hindus burnt down all the dwellings of the Balais but the offenders have not yet been traced.

Balais are ignorant village folk, who are ignorant of legal procedure and think that if a petition is sent to the *Sirkar* all that is required will be done for them. They have not the knowledge, or the means and practice to pursue a complaint to its end; and, as they, it is said in some cases, failed to attend or produce witnesses in support of their allegations, the Magistrate had no alternative but to dismiss their complaint.

Item No. 7

(From the* Bombay Chronicle *25th February 1928)

ORTHODOXY RUN MAD

ALLEGED BARBAROUS TREATMENT OF " UNTOUCHABLES "

CRIME OF BEING MAJHARS

Mr. Keshavaji Ranchhodji Vaghela from Ahmedabad has informed Dr. B. R. Ambedkar, President, Bahishkrit Hitkarini Sabha as follows:

One Bapoorao Laxman and his brother Kaurao have been residents of Ahmedabad during the last six years. They used to mix with some people from the Deccan belonging to Maratha caste, Kaurao's two sons viz. Damoo and Laxuman used to take part in the Bhajan parties of the Marathas. The latter, however, recently came to know that the brothers Damoo and Laxurnan were Mahars by caste and in order to ascertain this, two Mahars employed on the Parcel Train between Surat and Ahmedabad were specially called to identify Damoo and Laxurnan. After it was ascertained that Damoo and Laxurnan were Mahars they were called at a Bhajan party at Kalupur, Bhanderi Pole, at midnight on the 11th instant. Asked as to what caste they belonged to, Damoo and Laxurnan replied that they were Somvanshis. This reply enraged the Marathas who freely abused them for having defiled their persons and places. The Mahar brothers were also assaulted by the Marathas. One of the brothers had a gold ring on his person. It was forcibly taken away from him and sold for Rs. 11. Out of this amount Rs. 6 was paid to the Mahars who had been called from Surat to identify the brothers. Damoo and Laxuman entreated the Marathas to allow them to return to their homes, the latter refused to do so unless a fine Rs. 500 was paid. On the Mahar brothers pleading their inability to pay such a heavy sum, one of the Marathas suggested that the Mahar brothers should be fined only Rs. 125. But then one of the Marathas opposed the proposal for fine saying that they should not be satisfied with fine, but should punish the Mahars severely for their crime of concealing their caste. Having decided upon the course. the Mahar brothers were detained and at about 9 O'clock in the morning they were subjected to barbarous indignities. Their mustaches in the left side and eyebrows on the right side were shaved, their bodies besmeared with soot mixed in oil and also with dirt, garlands made of old shoes were put around their necks, and one of them was asked to hold a broom in his hand and the other to hold a placard on which it was written that the punishment was meted out to the culprits for venturing to touch high caste people. The Mahar brothers were taken in procession consisting of about 75 people, a drum being beaten in the front.

A complaint has been lodged with the Police by the said two Mahar brothers. The accused in their statement have admitted

that Damoo and Laxuman were treated in the alleged manner, but pleaded that. the complainants had willingly agreed to undergo the punishment. Obviously Damoo and Laxuman were helpless when they were abused, assaulted and threatened with severe punishment and actually subjected to barbarous indignities. This case has created a great sensation among the people belonging to the so-called untouchables castes and efforts are being made to give proper legal aid to the complainants.

Item No. 8
(Bombay Legislative Council Debates 1927, Vol. XX)
(Part XVI, p. 1373)
Police: Enlistment of Mahars

Dr. B. R. Ambedkar: Will Government be pleased to state whether there is any rule prohibiting the enlistment of the Depressed classes in the police constabulary force of the Presidency?

The Honourable Mr. J. E. B. Hotson: There is no such rule.

Dr. B. R. Ambedkar: Will the Honourable Member please inform me why the Commissioner of Police for the city of Bombay refuses to appoint depressed class members in the police constabulary if there is no restriction ?

The Honourable Mr. J. E. B. Hotson: This opens up a very large subject, I can only say that there are practical difficulties which are known to every member of this House, and which stand in the way of the more extensive enlistment of these classes in the police. There is no prohibition against it.

N.B.—The practical difficulties referred to by Mr. Hotson are evidently difficulties arising out of untouchability.

Item No. 9
(Bombay Legislative Council Debates 1928, Vol. XXII)
(Part II, pp. 96-97)

CLERKS IN GOVERNMENT SERVICE

Mr. R. S. Asarale: Will Government be pleased to state the total number in the clerical ranks in the offices of the various departments of [Government] ?

The Honourable Sir Chunilal Mehta: A statement giving the requisite information is placed on the Council Table:

	Marathas and allied castes	Muhammadans	Depressed classes	Advanced Hindus	Parsis	Christians and Jews	Others	Total
I. The Secretariat.	31	11		268	38	81	11	440
	6			64	8	10	3	91
II. P. W.D.	3	8		28		4	1	44
Ill. Collector; of Bombay	1			12	5			18
IV. Commissioner of Excise.								
	9	7		58	1	5	8	97
V. Small Causes Court.								
	4	15		125	22	23	9	198
VI. High Court.								
	7	4		32		4		47
VII. Bombay Police Courts.								
		7		59		4		87
VIII. Commissioner i of Police, Bombay.								

Item No. 10

(From the Times of India *30th May 1928)*

THROUGH INDIAN EYES

" CHAMARDAS AND MAHARDAS"

How sincere the political lions are when they roar about the disabilities and hardships of the Untouchables was clearly brought out at the Maharashtra Conference when the question of the removal of untouchability was adroitly shelved. Among the half dozen or so of Protestants against this trick were men belonging to the *Swarajya.* One of them wrote in that paper an outspoken article, exposing the general Hindu outlook on the thorny problem, which throws much light on what the Maharashtra Conference did. " While speaking to me the other day," says the writer about the Samata Sangha (Social Equality Society) of Poona, " a friend of mine said: ' Because people like you join them, these Chambhardas and Mahardas (contemptible Chamars and Mahars) become isolent '...... From this utterance one can realise what a

terrible hatred of the Untouchable classes still exists among the upper classes."

RESOLUTIONS AND ACTS

The sad reformer continues: " Mahatmaji issued a proclamation that untouchability was a blot on Hindu dharma; Swamy Shraddhanand and Lala Lajpatrai have said all along that we shall never be able to win Swaraj if untouchability is not removed from Hindu Society; during the last seven years resolutions for its removal are being adopted by the Congress; but what is the actual result of all these activities ? Utterances like the one given above are still coming out of the mouths of highly educated persons! We pass resolutions in the Congress and the Hindu Sabha advocating temple entry of Untouchables and urging that public tanks, wells, etc., should be thrown open to them. But when the time for putting them into practice comes, we contemn the Untouchables, nay, we assault them and then proceed legally against them and send them to jail."

Item No. 11

RESOLUTIONS PASSED AT THE DEPRESSED CLASSES CONFERENCE HELD AT DAPOLI (District Ratnagiri)

1. *(a)* This Conference express indignation at the campaign of persecution carried on by the so-called high caste Hindus in this district against the depressed classes for the refusal on the latter's part to eat the meat of dead animals. *(b)* This Conference is extremely grieved to find that the Police officers and Magistrates in the district systematically abuse the depressed class people instead of giving them protection against the tyranny and injustice to which they are being subjected by the so-called high caste Hindus through impounding the cattle of the former, committing assaults on them and making it impossible for them to obtain the necessaries of life in the bazars by observing a strict social bycott against them. (c) This Conference appeals to the Government to take steps for having the usual *baluta* remuneration paid to the Watandar Mahars who have been deprived of the same by the high caste Hindu villagers owing to the former's refusal to eat the carrion and carry dead animals, beg alms and do other unclean things.

2. (a) Having come to know that in a number of villages it is the Police Patel who countenances the campaign of persecution against the depressed class people, this Conference requests the Government to take proper steps against such Police Patels. *(b)* This Conference requests the Government to appoint in each district a special Police Inspector from amongst the depressed classes for the protection of these classes and to admit recruits from these classes in the police service. (c) This Conference requests the Government immediately to quarter punitive police under the command of military pensioners belonging to the depressed classes, at the villages of Vadval, Matven, Tulsi, Degaon, Mandan-gad. Satara etc. at the expense of the so-called high caste Hindus residing in these villages in view of the fact that owing to harassment and social boycott and open assaults it has become impossible for the depressed classes to live in these villages.

3. This Conference is emphatically of the opinion that no further instalment of self-government be given to India except with proper safeguard for the interests of the depressed classes.

Item No. 12

(From the **Bombay Chronicle** *dated 20-10-27)*

MUNICIPAL SCHOOLS [IN THE CITY OF BOMBAY]

The Schools Committee has made itself ridiculous by taking fright at the little question of drinking "lotas" (pots). It seems that, in spite of the Corporation's resolution that there should be no caste discrimination in the Municipal Schools, " depressed " class children are given separate pots for drinking water. A sub-committee of the Schools Committee recommended that all children should be given the same pots. But the members of the Schools Committee gravely cogitated over this recommendation and entertained all sorts of fears. Some said that the change would be resented by the caste Hindus; evidently, the resentment of the " low " caste Hindus does not count for much. Prof. V. G. Rao said that it was a revolutionary change and Mr. D. G. Dalvi, himself a well-known social reformer, added to these fears a legal one, that some parents might file a suit against the Committee. Ultimately the Schools Committee referred the question back to the sub-committee, which was tantamount to saying that the latter's recommendation was not acceptable to them. A

CALCULATED INSULT

The fears mentioned above are absurd, as every boy is expected to wash a pot well before using it, on sanitary and—if he is so minded—-on caste grounds. That a pot once used by an " untouchable " boy becomes itself untouchable or unusable by the " high " caste Hindus in spite of its being washed clean, is a calculated insult to the unfortunate " depressed " classes, which we certainly did not expect the Schools Committee to countenance. Mr. Dalvi stated that in view of compulsory education in some Wards parents might file a suit against the Committee " for enforcing an obligation which was by no means a legal one ". But nobody is under an obligation to use the common pots in the schools. Those parents who are so over scrupulous may give their own pots to their children and thereby protect their " religion ". As for the " depressed " classes the insult to them remains, whether they bring their own pots or betake themselves to other schools where better notions of justice prevail.

A REPORT ON THE CONSTITUTION OF THE GOVERNMENT OF BOMBAY PRESIDENCY

PREFACE

I regret that I have not been able to agree in the tenor of the report prepared by my colleagues on the committee or to accept the more important of the conclusions on the matters falling within the scope of our inquiry. I have therefore submitted this separate report containing my own views and recommendations. The bulk of my report has exceeded that of my colleagues. It might perhaps have been possible, by including in my report nothing more than formal answers to the questions raised to limit its bulk.

But I felt there was a question to which an answer could be given without some general explanation of the principles on which the answer was based or also the report could not be properly understood. I have therefore set aside all considerations of brevity which would have exposed me to the criticism that the recommendations in the report were not supported by a sufficient amount of reasons and arguments and have allowed the report to grow to the size it has reached.

SECTION 1
REDISTRIBUTION OF THE AREA OF THE PROVINCE

1. The area of the Bombay Presidency which extends over 1,223,541 square miles may be divided into four distinct linguistic divisions: (1) Maharashtra, (2) Gujarat, (3) Karnatak and (4) Sindh. The people of these divisions have been associated together under one administration for a long period. Gujarat, Maharashtra and Karnatak have been parts of the Bombay Presidency for last 110 years, while Sindh was joined to the Presidency 85 years ago. From this Confederacy, Karnatak and Sindh are now demanding that they be separated from the Presidency. The argument urged in favour of separation states that the Province does not represent a natural unit that not only it does not meet the test of unity of race or language but that it is actually built up by a deliberate fragmentation of homogeneous groups and their amalgamation with other heterogeneous groups. This, it is said, is an evil. For it is urged that the fragmentation involves a smothering of their distinctive cultures, while their amalgamation with other bigger groups makes them politically helpless.

2. In the case of Karnatak this argument has no doubt some force. That Karnatak has been dismembered into various small parts which have been linked up with other non-Karnatak areas for administrative purposes thereby causing a severance is true. Nor can it be gainsaid that the part united with the Presidency of Bombay has politically suffered by being under-represented in the Bombay Legislative Council. Notwithstanding all this, I am opposed to the separation of Karnatak from the Bombay Presidency. The principle of one language one province is too large to be given effect to in practice. The number of provinces that will have to be carved out if the principle is to be carried to its logical conclusion shows in my opinion its unworkability. Nor can it be made workable by confining it to cases "where the language is a distinct cultural language with a past and a future " and " where there exists a strong linguistic consciousness." For the simple reason that every language which has a past if given an opportunity will have a future and every linguistic group of people if they are vested with the powers of government will acquire linguistic consciousness. I am aware that this may involve

the sacrifice of Kanarese culture although I am not sure that that would be an inevitable consequence of the continuance of the present arrangement. But even if that be the consequence I do not think it is a matter for regret. *For, I am of opinion that the most vital need of the day is to create among the mass of the people the sense of a common nationality the feeling not that they are Indians first and Hindus, Mohammedans or Sindhis and Kanarese afterwards but that they are Indians first and Indians last.* If that be the ideal then it follows that nothing should be done which will harden local patriotism and group consciousness. The present heterogeneous character of the province has this much in its favour that it provides a common cycle of participation for a polyglot people which must go a great deal to prevent the growth of this separatist feeling. I think that an arrangement which results in such an advantage should be conserved. I am therefore opposed to the demand of Karnatak for separation.

3. My colleagues have summarily dismissed the claim of Karnatic for separation on the ground that no witness appeared before the conference to support the same. I do not regret it in view of the fact that I and my colleagues agree in our recommendation regarding it. But it is a surprise to me that my colleagues should have in the case of Sindh come to a different conclusion. For I think that as compared to Karnatak, Sindh has no case. There can be no two opinions regarding the fact that Sindh has gained substantially by its incorporation in the Bombay Presidency. Having been separated by long distance, Sindh instead of being made a subordinate member of the household has been accorded the superior status of a neighbour associated with on the most honourable terms. In so far as her affairs have been administered by a Commissioner who is next to the Governor, Sindh must be said to have preserved the dignity of her independence. She has been allowed to retain her ancient and customary code of laws. Seldom has she been subjected to any new law passed for the Presidency proper unless the same was deemed to be specially conducive to her benefit. Her tribunals are entirely independent of the tribunals of the Presidency. Her public service is virtually separate from the Presidency Public Service and is manned by her own people. Her being linked to the

Presidency cannot be said to have worked to her financial detriment. On the contrary she has been able to ride on the broad shoulders of the Presidency at a speed which would have been beyond her own capacity. It is her incorporation which has enabled her to draw so largely upon the great resources of this Presidency. Nor can Sindh be said to have failed to secure the consideration and attention from the Government which is due to it. Indeed since the introduction of the Reforms, Sindh has exercised an influence on the Government of Bombay out of all proportion to its magnitude. Given these facts it is difficult to understand what more is to be gained by separation when Sindh has all the advantages of separation without the disadvantages of incorporation.

4. It is also evident that all the communities of Sindh have not joined in making this demand. The evidence such as was placed before the joint Conference of the Commission and the Committee disclosed a sharp cleavage between the Moslems and the Hindus of Sindh, the former favouring separation and the latter arraying themselves in opposition to it. On an examination of the history of Sindh public opinion regarding this question I find that the politically minded people of Sindh as a body took up the question of the status of Sindh only in 1917. After the announcement of August, 1917, the Sindis held a Special Conference in November, 1917, to consider the place of Sindh in the coming Scheme of reforms. The Honourable Mr. G. M. Bhurgri, the leading Mohammedan citizen of Sindh, was the Chairman of the Reception Committee, while the President of the Conference was a Hindu gentleman, Mr. Harchandrai Vishindas. The Conference had before it four alternatives, namely:

(1) Formation of Sindh as a separate Province,

(2) Sindh and Baluchistan to form one province,

(3) Sindh to go with the Punjab and

(4) Sindh to remain with Bombay.

It is noteworthy that this Special Conference turned down three of these four alternatives including the proposal to form Sindh into a separate province. Not only did the Conference reject the proposal of a separate province but in its resolution supported by Hindus and Mohammedans urged for a closer incorporation between Sindh and the Presidency by reducing the position of the Commissioner of Sindh to that of the Divisional Commissioner in the Presidency. The deputation consisting of Hindus and Muslims which waited upon the Secretary of State, Mr. Montague, and the Viceroy, Lord Reading, was, it is said, emphatic in its declaration that Sindh did not wish to be a separate Province. The same attitude towards this question was uniformly maintained by members of both the communities at subsequent sessions of the Conference which met in 1918, 1919 and 1920. Since 1920 the question has not been considered by the Conference owing to its being swayed by the movement of non co-operation. From this survey it is clear that it is the Mohammedans who have changed front and it is they who have departed from an agreed point of view and that the demand far from being a united demand is a sectional demand originating from the Mohammedan Community only.

5. Before any sympathy can be shown to such a sectional demand, one must be satisfied that the purpose for which separation is sought is a proper one. Now although, the Mohammedan deputation which put forth this demand and the Hindu deputation which opposed it, both did their best not to reveal the real object of the demand and the real objection to its fulfilment. All the same those who knew the reality, must have felt that the contending factions had not placed all their cards on the table. But this purpose must be made clear so that it may be considered on its own merits and I propose to do so to the best of my information. On the 20th of March 1927, there were put forth what are known as the " Delhi Muslim Proposals," by prominent members of the Muslim Community as the terms for an *entente cordiale* between Hindus and Muslims. According to these proposals it was demanded (1) that Sindh should be made into a separate Province, (2) that the North-West Frontier Province should be treated on the same footing as other provinces and (3) that in the Punjab and Bengal the proportion of Muslim representation should be in accordance with their population. A glance at the above proposals is sufficient to indicate that the object of the scheme is to carve out as many Provinces with a

Mohammedan majority as possible out of the existing arrangement. At present Punjab and Bengal are two Provinces with a bare Muslim majority. The proposals by demanding that in those provinces representation should be proportionate to population seeks to make the communal majority of the Muslims a political majority so that a Mohammedan Government will be assured in those provinces. Baluchistan and N. W. F. Province have an overwhelming Muslim majority. But they are as yet out of the pale of responsible Government with the result that the Mohammedan majority is not a ruling majority. The aim of the proposals is to rectify this anomaly so that they will make four Provinces with a Muslim majority with sure chances of forming a Muslim Government. The demand for the formation of Sindh which is predominantly Muslim in numbers into a separate Province is to add a fifth to the list of Muslim provinces contemplated by the scheme. Now what is the purpose behind the formation (of these Mohammedan Provinces ? In the eyes of the Mohammedans themselves it has the same purpose as communal electorates. For the authors of the scheme say that they are prepared to give up communal electorates and agree to joint electorates in all provincial legislatures and in the Central Legislature provided their proposal of Mohammedan Provinces was agreed to. By parity of reasoning it follows that the object of carving out Mohammedan Provinces is to protect the Muslim minorities; since that was the object of communal electorates.

The scheme on the surface does not show how the creation of Muslim provinces is going to protect the Muslim minorities against Hindu majorities in Provinces in which the Hindus predominate. Indeed the scheme seems to weaken the position of the Muslim minorities by taking away the protection they receive or believed to receive from communal electorates. But if we probe into it we can see that the scheme is neither so innocent nor so bootless as it appears on the surface. At bottom it is an ingenious contrivance for the protection of Muslim minorities. For if the Hindu majority tyrannized the Muslim minority in the Hindu Provinces the scheme provides a remedy whereby the Mohammedan majorities get a field to tyrannize the Hindu minorities in the five Mohammedan Provinces. It is a system of

protection by counter blast against blast; terror against terror and eventually tyranny against tyranny. That is the purpose behind the whole scheme and also behind the demand for the separation of Sindh. Lest there should be any doubt on this point I wish to remove it by directing attention to the Report of the Nehru Committee in which they say: "we agree that the Muslim demand for the separation of Sindh was not put forward in the happiest way.

It was based on communalism and tacked on irrelevantly to certain other matters with which it had no concern whatever." That the Nehru Committee should have fought shy of disclosing the real grounds of separation is a circumstance which raises the presumption that the purpose as known to the Committee must have been otherwise than laudable. But if we are to consent to it, it is better to know the worst about it. I will therefore raise the curtain and let Maulana Abdul Kalam Azad reveal the same. Addressing the Muslim League at its recent session at Calcutta in a speech which must be admired for its terseness and clarity he said— " That by the Lucknow pact they had sold away their interests.

The Delhi proposals of last March opened a door for the first time to the recognition of the real rights of the Musalmans in India. Separate electorates by the pact of 1917 only ensured them Muslim representation, but what was vital for the existence of the community was the recognition of its numerical strength. Delhi opened the way to the creation of such a state of affairs as would guarantee to them in the future of India a proper share. Their existing small majority in Bengal and in the Punjab was only the census figure but the Delhi proposals gave them for the first time five provinces of which no less than three (Sind, N. W. F. and Baluchistan) contained a real overwhelming majority. If Muslims did not recognise this great step they were not fit to live (applause). There would be now nine Hindu provinces against five Muslim provinces and whatever treatment Hindus accorded in nine provinces Muslims would accord same treatment to Hindus in the five provinces. Was not this a great gain ? Was not a new weapon gained for the assertion of Muslim rights ? " (Hindustan Times, 3rd January, 1928). No one who is not interested in

misunderstanding the plain meaning of simple English can mistake the real purpose of the demand for the separation of Sind. It is obvious that the real purpose has very little to do with the destiny of Sind. It is part of a larger scheme designed for the protection of Muslim minorities and is based upon the principle that the best way of keeping peace is to be prepared for war.

6. Knowing the real purpose of the demand the question is should it be sympathised with ? I, for one, am unable to sympathise with it and no person I venture to say who has at heart the interests of good administration will consent to it. It will no doubt be said as is done by the Nehru Committee which has expressed itself in favour of separation that " the manner of putting it forward does not necessarily weaken the merits of a proposal." I take exception to this position. I hold that the manner discloses the motive and that motive, far from being a small matter, is important enough to change the face of the situation. For it cannot be gainsaid that the main force which sets an institution in motion and also fixes its direction centres round the motive which brings the institution into being.

The motive that lies behind this scheme is undoubtedly a dreadful one involving the maintenance of justice and peace by retaliation and providing an opportunity for the punishment of an innocent minority, Hindu in Mohammedan provinces and Mohammedan in Hindu provinces, for the sins of their co-religionists in other provinces. A system must stand self-condemned which permits minorities to be treated in their own provinces as hostages rather than as citizens, whose rights are subject to forfeiture, not for any bad behaviour chargeable to them but as a corrective for the bad behaviour of their kindred elsewhere. And who can say that the grievance leading to such a forfeiture will always be just and substantial ? As often as not, a grievance is one at which one merely feels aggrieved so that any act be it great or trivial against a minority may be made to serve as a *causus belli* for a war between the Provinces. The consequences of such a scheme are too frightful to be contemplated with equanimity. That the Hindus get the same chance to tyrannize the Muslims in Hindu provinces does not alter for the better the character of the scheme which contains within itself the seeds of discord and

disruption. The scheme is so shocking that if the Mohammedans cannot feel secure without it I for one would prefer that Swaraj be deferred till mutual trust has assured them that they can do without it. The Nehru Committee argues that " a long succession of events in history is responsible for the distribution of the population of India as it is today " — and that in creating communal provinces " we have merely to recognize facts as they are." This is no doubt true. But the point remains whether we should create such admittedly communal provinces at a time when the communal feeling is running at full tide and the national feeling is running at its lowest ebb.

There would be time for creating such provinces when the Hindus and Mohammedans have outgrown their communal consciousness and have come to feel that they are Indians first and Indians last. At any rate this question should wait till both have come to feel that they are Indians first and Hindus and Mohammedans afterwards. On these grounds I dissociate myself from the sympathy shown by my colleagues towards the question of the separation of Sindh.

7. It will be noticed that I say nothing about the financial difficulties that lie in the way of separating Sindh from the Presidency. That is not because I do not attach importance to them. I do. But my view is that they alone cannot be decisive and if I have not alluded to them it is because I hold that the objections which I have raised to the separation of Sindh will survive, even when the financial objections are met or withdrawn.

PROVINCIAL EXECUTIVE

Dual Versus Unified Government

8. My colleagues have recommended that the subject of Law and Order should be continued as a reserved subject for five years after the new regime has come into operation. I would not have cared to differ from my colleagues if their recommendation had involved nothing more than a short period of waiting to allow the Council an opportunity of settling down to its work. But unfortunately their recommendation involves more than this and is accompanied by a proviso that "after that period it should be left to the decision of the Legislative Council with the concurrence

of the Upper House and of the Governor to decide that the subject should be transferred." I am unable to agree to this recommendation which means the continuance of dyarchy for an indefinite period. Such a recommendation cannot be supported except on the assumption that dyarchy is a workable system of Government and that as it has been successfully worked in the past it can be expected to work in future. This assumption is in my opinion quite untenable.

9. Many things have been pointed out as being responsible for the unsatisfactory working of dyarchy as a form of Government. It is true that the Transferred side of the Government was hampered by certain checks which were introduced by way of safeguards. The subjects transferred to the control of the ministers all related to the well being of the people, as distinguished from subjects relating to the maintenance of law and order. Indeed the subjects were transferred largely because they were of that character. As a matter of policy, therefore, the finances of the Presidency should have been in the hands of a minister.

For it is obvious that no policy has any chance of reaching fruition unless the Finance Department found the ways and means required for the same. This could be expected of the Finance Department only if it belonged to the Ministerial side of the Government. But it did not. Section 45A(3) provided for the constitution by rules under the Act of Finance Department and for the regulation of the functions of that department. The department as constituted is neither a Transferred nor a Reserved one but was common to both sides of the Government. Yet as rule 36(1) of the Devolution Rules laid down that the Finance Department should be controlled by a member of the Executive Council, that department was virtually converted into a Reserved Department. Having been placed into the hands of the Executive Councillor, not responsible to the legislature, it is only natural that the department should be on the Reserved side and the head of the department more or less identified with the work of the reserved departments to the disadvantage of the Ministers. The position assigned to the Governor in relation to the Transferred subjects was another factor which worked to the detriment of the transferred side of the Government. Under section *52(3)* it was laid down that

in relation to the transferred subjects the Governor shall be guided by the advice of his ministers, unless he sees sufficient reason to dissent from their opinion. But the common complaint has been that the Governors instead of reducing their interference to exceptional occasions of fundamental difference claimed that in law the ministers were merely their advisers and they were free to reject their advice if they thought fit to do so. This perverse interpretation made the position of the ministers worse than the position of the Executive Councillors. For, the Executive Councillors could not be overruled in ordinary cases except by a majority of votes. While under the interpretation put by the Governors upon section *52(3)* Ministers were at the mercy of the Governor and were without the protection enjoyed by the Executive Councillors. There was another thing which also helped the aggrandizement of the powers of the Governors as against the ministers and which tended to cripple the activity of the latter. The Instrument of Instructions issued to the Governor charged him to safeguard the interests of all members of the services employed in the Presidency in the legitimate exercise of their function and in the enjoyment of all their recognised rights and privileges. The duty was confined only to the question of the safeguarding of the interests of the services. But the Governors placed a wider interpretation on this instruction and insisted that all matters relating to the services including the question of their appointments, posting and promotions in the Minister's department should be under the charge of the Governors. In Bombay the Governor claimed this right even with regard to the services functioning under the Executive Councillors and to make it known that the Governor has this power; the ordinary form " the Governor in Council is pleased to appoint " was changed to " Governor is pleased to appoint". The position assigned to the Secretary of a Ministerial Department also helped to weaken the authority of the minister and to increase the autocracy of the Governor. For, in all cases, where the Secretary differed from the decision of the ministers, he was permitted to approach the Governor over the head of his political chief and get his decision altered by the fiat of the Governor.

10. All this undoubtedly had an adverse effect on the satisfactory working of dyarchy. But what I wish to guard against

is the inference often drawn that in the absence of these factors dyarchy could have been a workable system of Government. For I maintain that dyarchy is in itself an unworkable system of Government. Fortunately for me I am not alone in holding this opinion. The Government of Bombay, some members of which individually support the continuance of the system of dyarchy, has itself condemned it in 1919, as an unworkable system in words which are worth quoting: " A reference to the records of Government will show that there is scarcely a question of importance which comes up for discussion and settlement in any of the departments of Government which does not require to be weighed carefully in the light of considerations which form the province of another department of Government. The primary duty of the Government as a whole is to preserve peace and order, to protect the weak against the strong, and to see that in the disposal of all questions coming before them the conflicting interests of the many different classes affected receive due attention. And it follows from this that practically all proposals of importance put forward by the Minister in charge of any of the departments suggested for transfer.........will involve a reference to the authorities in charge of the reserved departments......... there are few, if any, subjects on which they (the functions of the two portions of the Government) do not overlap. Consequently the theory that, in case of a transferred subject in charge of a Minister, it will be possible to dispose it off without reference to departments of Governments concerned with the control of reserved subjects is largely without foundation."

11. The dualism due to division of subjects is but one of the inherent defects which makes dyarchy unworkable. There is also another. Under it, it is no unity can be secured only by a common allegiance arising out of a common mandate. Ministers who are appointed from the legislature are bound to feel a real obligation towards that body that indeed is the reason why they are appointed and they would not serve their intended purpose unless they felt such obligation. But every link that binds them to the legislature works only to separate them from their official colleagues with the result that the dualism inherent in dyarchy tends to come to the surface. Once this dualism has established itself between the two halves of government — and the many instances in which Ministers and Executive Councillors have opposed each other by speech and vote in open Council prove its possibility — government must become impossible. This dualism in dyarchy is kept in check by a coalition. But this coalition is a forced and artificial union between two parties with totally different mandates and can easily lead to an impasse. That such an impasse has not occurred in the Bombay Presidency does not negative this inherent defect in dyarchy. It only throws in clear relief that in this coalition the ministers had surrendered themselves to the Councillors.

12. Notwithstanding these inherent defects, there are people who hold that dyarchy has been successfully worked in this Presidency. That view can be agreed to only if it means that the Governor was not obliged to suspend the constitution or to bring into operation the emergency powers given to him by the Government of India Act. This is true. But the question is not whether dyarchy worked. The question is whether it worked as a responsible form of Government. For it must not be overlooked that in 1919 there were many other alternative forms of Government competing with dyarchy for acceptance. There was the Congress League Scheme and there was the Scheme by heads of the Provinces, to mention no others. But all these schemes were rejected in preference to dyarchy because they failed to satisfy the tests of responsible government. Any estimate of the working of the dyarchical system of Government must therefore be based upon that supreme consideration alone. If we bear this fact in mind and then attempt to evaluate the working of dyarchy, the conclusion that in this province dyarchy has been a failure is beyond dispute. Responsible government means, that the Executive continues to be in office only so long as it commands a majority in the House. That is the essence of the doctrine of ministerial responsibility. Now if we apply this test to the working of dyarchy in the Bombay Presidency and take into account the occasions on which the Council divided on motions relating to the transferred subjects, we find a most unedifying spectacle that the ministers have been defeated time and again on the floor of the House and yet they have continued in office as though nothing had happened. This lamentable tale is told by the following table:—

Year	Total No. of Divisions	No. of divisions in which Govern-ment were neutral	No. of Government defeats	No. of Government defeats if official block is eliminated	No. of Government successes	No. of ties
1921	3		2	2	1	
1922	17		4	8	9	
1923	4	1	1	2	1	
1924	19		10	14	5	1
1925	30	1		11	18	
1926	3			1	2	1
1927	26		3	10	16	
1928	2		1	1	1	

These figures show that in 1921 out of three divisions the ministers were defeated on 2; in 1922 out of 17 on 8; in 1924 out of 19 on 14; in 1925 out of 30 on II; in 1926 out of 3 on 1; in 1927 out of 26 on 10; in 1928 out of 2 on 1. Notwithstanding this there has never been a case in this Presidency of a minister having resigned. With these facts before us it is impossible to agree to any conclusion which implies the dyarchy has worked as a responsible system of government.

13. It is of course open to argument that if the ministers did not resign it is because the Council did not intend by these divisions to indicate want of confidence; otherwise it would have refused supplies to the ministers whom it had discredited by its adverse vote. That the Bombay Legislative Council was too effete to impose its will effectively upon the ministers is a fact too well known to need mention. Its division into cliques and factions, its vicious way of following men rather than principles, made it a toy in the bands of the executive, so much so, that the House as a whole failed to exercise even the selective function which any popular House conscious of its power is expected to fulfil. Any popular House, howsoever dominated by the executive, will not tolerate the candidature of any member of the House for office unless he shows that he has some power of speech, some dexterity in the handling of a subject, some readiness of reply and above all some definite vision which can constitute the basis of a rational policy of social and economical betterment. Even in England where the

dominance of the cabinet is as complete as it could be, no Prime Minister in filling the subordinate offices of Government will choose men who have not shown themselves acceptable to the House of Commons. The Legislative Council of Bombay was incapable even of this, with the result that the choice for political office did not always fall on the best man available. But supposing that the Council being better organised, had imposed its will more effectively on the executive. What would have been the result ? Would it have made dyarchy work as a responsible form of Government ? My answer is emphatically in the negative. For, any effective action on the part of the legislature against the Executive can produce only one result, namely, it will lead to the use by the Governor of the emergency powers of suspension and certification, which are entrusted to him under the Act. That this is the inevitable result of strong action on the part of the legislature is the testimony of all provinces where the constitution has been suspended. But to admit this is to admit that the moment the Council begins to assert its power to the fullest extent dyarchy must crumble unless jacked by the emergency powers of the Governor. It is therefore obvious that in either case dyarchy fails. It fails by the inaction of the legislature as in the Bombay Presidency. It fails as much by the action of legislature as in Central Provinces. In the one case by reason of the weakness of the legislature the executive gets the freedom to be irresponsible. In the other case the legislature by force of action compels the Governor to keep into being an irresponsible executive.

14. Many have suggested that dyarchy would have worked better if the Governor has chosen to conduct himself as a constitutional head in accordance with the provisions of Section 52(3) and the advice given by the Joint Parliamentary Committee. I do not share this view. First of all there is no foundation of facts to support the contention that the Governor was bound to act as a constitutional head. It is often forgotten that though the dyarchical form of government was selected as being a responsible form of government implying that the Governor in relation to the ministers was to be a constitutional head. But the Joint Report made it quite clear that be was not to be reduced to that position. They expressly stated, " We do not contemplate that from the outset the Governor

should occupy the position of a purely constitutional Governor who is bound to accept the decision of his ministers. We reserved to him the power of control because we regard him as generally responsible for his administration". Nor did the Joint Parliamentary Committee recommend that he should work as a constitutional Governor. The Committee distinctly stated in paragraph 5 of their Report that the Ministers will be assisted and guided by the Governor who will accept their advice and promote their policy whenever possible. This is far from saying that the Committee intended him to function as a constitutional head. Indeed such an intention would be inconsistent with the provisions of the Act under which the Governor's dictatorial powers were expressly reserved and nothing that is said in the Joint Report or in the Report of the Parliamentary Committee nullifies their use; so that if the Governor has himself governed and has not allowed the ministers to govern through him it is no fault of his. But granting that the Governor should have acted as a constitutional head, the question again is, would it have made dyarchy workable as responsible form of government? My answer to this question is also in the negative. For, as I see the situation, if you take away the power of the Governor and make him a constitutional head, you thereby expose the existence of the reserved side of the Government to an attack from a popularly elected chamber. From this peril the reserved side deprived of the protection of the Governor has only one escape and that is to consent to be ruled by the wishes of the Council. In other words, if you remove them from the leap of the Governor, you have no other alternative except to place them on the same footing as the transferred side. But this is only another way of slating that if the desire is to reduce the position of the Governor to that of a constitutional head you must first put an end to dyarchy.

15. So far I have argued against the view that dyarchy is not a system which is made unworkable by certain other factors and in support of the view that owing to its inherent defects, it is not only unworkable but it is incapable of being worked as a responsible form of a government. Of course dyarchy with complete dualism involving the functioning of two separate governments and two separate legislatures, in one the legislature is subordinate to the executive and in the other the executive is subordinate to the legislature, is free from the criticism which has been urged above against the system of dyarchy-with-dualism such as is in operation. But the alternative of dyarchy-with-dualism was rejected by the Government of India in 1919 and is open to the same objections which apply to the system of government that was established by the Morley-Minto Reforms and which have never been so forcibly voiced as in the Montague-Chelmsford Report. A return to such a system at this stage in the evolution of political life in India is unthinkable and I therefore refrain from saying anything on a possible recourse to such a system. The only alternative left is to discontinue dyarchy and transfer all subjects to the control of the ministers.

16. So far the general grounds of my opposition to the recommendations of my colleagues who have given their sanction to the continuance of dyarchy have been stated. I now proceed to state my grounds of objection to the continued reservation of the particular subject, namely law and order. The principal reason urged against the transfer of law and older to the charge of a minister is that being subject to the wishes of the electorates and being removable by an adverse vote of the Council the minister will not be able to administer the department impartially. The inevitable consequence of such a situation, it is feared, will be that the services working in the administration of that department will be placed in a false position. Never knowing when they will be supported and when they will be censured, the uncertainty will paralyse their action to the grave detriment of peace and good government. It is further urged that in view of the series of Hindu-Moslem riots which have, of late, become so very common we ought not to transfer law and order to the control of a minister who is subject to the vagaries of public opinion and who is likely to be swayed by communal prejudices, Hindu or Moslem.

17. To be frank this argument has produced no effect upon me although my colleagues seem to have been considerably impressed by it. It is one of the stock arguments of bureaucracy. To admit its force is to accept that bureaucratic government is the best form of government Unfortunately bureaucratic government has been known to India too long for anybody to be deceived by

any such argument. It is so extravagant that its acceptance would involve the negation of all responsible government. Whatever its antecedents, responsible government, it must be recognised has come to stay in India. Any change time can bring along with it must be in the direction of expansion of the principle. Any Plan therefore which hinders the broadening of this basic principle must create a serious conflict between the Government and the people. Nor does it appear to me that there exists any ground why we should needlessly give rise to such a conflict by acting upon the bureaucratic argument. For, in my opinion, the fear that the ministers will succumb to the clamour of their followers in the House or that their followers will be malevolent in their attitude is not backed by experience and in so far as it is, it does them a great injustice. The suspension of the Local Boards and Municipalities which had been captured by the non-co-operators in 1922 at a time when Mr. Gandhi was in the plenitude of his power gives us hope to say that ministers can be trusted to act independently of the wishes of the electorates when such an action is demanded of them. Members of Government will I am sure testify that the Bombay Legislative Council has invariably acted with the necessary restraint which consciousness of responsibility always brings with it. But even if one is compelled to admit that the House may not keep itself unruffled on occasions of communal feeling and communal clash this is no argument against transfer. For one may point out in reply that no community whatever its attitude towards another has any vested interest in disorder such as will induce its accredited representatives to be so irresponsible as to lead them to work against peace and goodwill. The fear therefore which operates on the mind of those who support the reservation of law and order is merely the fear of the unseen, unknown and the untried. My colleagues in not recommending the transfer are no doubt adopting a most cautious course. But I am not certain that they are thereby following the wisest course. For, there is such a thing as too much caution which prohibits the liberty to make an experiment which the wisest course must demand in order to find out whether or not the fear is real. The very same fear of the unknown which is now urged against the transfer of law and order was urged in 1919 against the transfer of the subjects now entrusted to the control of the

ministers. But they were all brushed aside by the Secretary of States and the Government of India who both consented to take the leap in the dark. I prefer to adopt the same course with respect to law and order.

18. But there is another reason why if we are to make the experiment it is wise that we should make it without delay. It is obvious that the transfer of a subject brings in its wake an increase in the number of Indians employed in the services. It is possible that the Indians might be less efficient, at any rate, less experienced than the European members of the staff. To postpone the transfer of law and order is therefore to increase the dangers incident upon every transitional stage. Consequently it is much the safest to take the step at once and emerge through that stage while the experienced trained civil servants, who could be relied upon to loyally assist in working the new constitution with as little dislocation as possible, are still with us. Fortunately for me this suggestion comes from a very important authority, in fact it comes from an experienced civil servant, who supplied his views in a note to Mr. Barker who has reproduced the same in his book on the " Future of Government of India and the I.C.S.".

> *" I propose to state," says Mr. Barker, " the lines of such criticism, as it is advanced in a Note written by an experienced civil servant......... In the first place it is urged by the author of the Note that the maintenance of law and order, and matters concerned with land revenue and tenancy rights, ought to be transferred." " These departments," he urges, " are administered under Government by the strongest and most able branch of all the services in India — the Indian Civil Service. The principles of their administration have long been laid down, and are well understood. The service has great tradition behind it which will ensure that, that. administration will get the best assistance and most outspoken advice......... It is admitted that the people of India are quiet and easily governed people, though occasionally liable to excitement over things affecting their caste or religion. The task of maintaining law and order is not therefore a very difficult one......... the argument that land revenue and tenancy questions affect the interest of the masses rather than of the classes who will be represented in the Legislature (and therefore,*

on the fifth of the canons mentioned above, should not be transferred) is absolutely inconsistent with the franchise and electorate scheme which has been put forward for the Provinces......... The convinced advocate of the compartmental system who is afraid to transfer some at any rate of the departments concerned with law and order and with revenue administration admit that he is afraid of his own scheme. I, though I am not an advocate of dyarchy, should not be afraid to make the experiment, because I should hope to find among the Ministers that common sense, goodwill, and forbearance which are essential to the success of any scheme, dyarchical or not."

19. I quite realise the anxiety of the minorities in respect of the transfer of law and order. But it is somewhat difficult to understand how they expect to gain by its reservation. There will be no difference between a bureaucrat in charge of law and order and a minister from the standpoint of personal bias if the bureaucrat is to be an Indian. If he is to be a European, then the most that can be said of him is that he will be a neutral person. But this is hardly an advantage.

For, there is no guarantee that a neutral person will also be an impartial person. On the contrary a person who is neutral has also his interests and his prejudices and when he has no such interest he is likely to be ignorant. The European personal of the bureaucrat is therefore a doubtful advantage to the minorities who are anxious for the reservation of law and order. What however passes my comprehension is the failure of some of the representatives of the minorities to realise the great advantage which the ministerial system gives them as against the bureaucratic regime. For the best guarantee which the minorities can have for their own protection is power to control the actions of the executive. The bureaucratic system is impervious to this control. If it protects the minorities it is because it likes to do so. But if on any occasion it chooses not to take action, the minorities have no remedy. In other words, a minister can be dictated to; but a bureaucrat may not even be advised. This it seems to me is a vital difference between the regime of the bureaucrat and the regime of the minister. Personally myself, I do not see how the minorities will

lose by the transfer of law and order and I say this, although I belong to a minority whose members are treated worse than human beings. My view is that in a Legislature where minorities are adequately represented, it is to their advantage that law and order should be transferred. For, such transfer gives them the power of control over the administration of the subject which is denied to them under reservation. I think the minorities should consider seriously whether there is not sufficient truth in the statement that a rogue does better under the master's eye than an honest man unwatched; and if they do, I think they will realise that they can with good reason prefer inferior officers, over whom they can exercise an influence, to the most exemplary of mankind entirely free from such responsibility.

20. There is however another and a more important reason why Minorities prefer reservation to transfer. It is because their representation in the Legislature is so small as to make them inconsequential. From the standpoint of the minorities, the choice obviously is between reservation and no representation on the one hand and transfer and adequate representation on the other. Here again the second alternative must be deemed to be more beneficial than the first. It would therefore be more in the interest of the minorities to insist on adequate representation than to persist in opposing the transfer of law and order.

But, if the fear of mal-administration in the department of law and order to the prejudice of the minorities cannot be allayed by the grant of adequate representation to the minorities, I am prepared to add a proviso to my recommendation to the effect that if a minority of say 40 per cent. in the Legislative Council should decide by a vote that law and order be a reserved subject, it shall then be withdrawn from the list of transferred subjects. I make the proposal in preference to that of the Majority, because I hold that some day the subject shall have to be transferred if the principle of responsible government laid down in the Pronouncement of 20th August, 1917, is to be made good and that the proposal while it does not come in the way of giving effect to it immediately it does not preclude the possibility of cancelling the transfer, if experience shows that the fears entertained about it are well founded.

THE EXECUTIVE IN WORKING

21. The introduction of a unified government based on ministerial responsibility gives rise to four important questions. Of these the first pertains to the stability of the executive, the second to communal representation in the Executive, the third to the enforcement of the responsibility *of* the Executive and the fourth to the mutual relation among the members of the Executive.

22. Regarding the first question it is said that owing to the communal bias of the members of the legislature, the legislature is bound to be composed of groups. With attachment to community more pronounced than loyalty to principles, the ministry may find itself resting on uncertain foundation of communal allegiance measured out in proportion to communal advantage so that if communities choose to transfer their allegiance according to their will and without reference to principles, ministries may crumble as soon as they are formed. To prevent such an evil it is proposed that the ministry might be formed from a panel of men chosen by the various groups in the Council and once it is formed it should be made irremovable during the lifetime of the Council. I recognise that the fear of an unstable executive may come true. But I do not think that it calls for a remedy or a remedy of the kind suggested. India is not the only country with the group tendency manifesting itself in the Legislature. The French Chamber of Deputies is a more glaring instance of the group tendency involving frequent disruption of the ministeries. All the same the French have felt that the situation, bad as it is, is not so intolerable as to call for a remedy. But assuming that what is anticipated comes true and the situation becomes intolerable, I am convinced that the remedy is not the right one. That the remedy will immensely weaken the responsibility of the ministers is beyond dispute. What, however, I am afraid of, is that the scheme instead of making for the coalescence of the groups will only serve to harden and perpetuate them; so that the remedy far from curing the disease will only aggravate it. The true remedy appears to me to lie along the line of reconstruction of the existing electorates.

23. I am totally opposed to the recognition of communal representation in the executive of the country. Under it, the disease will break out in its worst form in a most vital organ of the

governmental machinery. It will be a dyarchy or triarchy depending upon the number of communities that will have to be recognised as being entitled to representation in the cabinet. It will no doubt be a communal dyarchy somewhat different from the political dyarchy which we have today. But that will not make it better than political dyarchy. The defects inherent in the one are inherent in the other and if the aim of constitutional reconstruction is a unified government, dyarchy in its communal form must be as summarily rejected as dyarchy in its political form. Indeed there is greater reason for the rejection of communal dyarchy than there is for the rejection of political dyarchy. For under political dyarchy the possibility of a Government based on principle exists. But communal dyarchy is sure to result in a Government based on class ideology.

24. It is a cardinal principle of the constitutional law of Great Britain and the self-governing Dominions that every minister is amenable to the law Courts. Indeed it is owing to this wise principle that British subjects at home and in the Dominions are secure in person and property against ministerial wrong doing. India alone stands in strange contrast with Great Britain and the Dominions in the matter of legal responsibility of the Executive for illegal acts. During the course of a better conflict between the judiciary headed by Sir Iliajah Impey and the Executive backed by Warren Hastings, the Executive in India as early as 1780 secured for itself immunity from the control of the Courts. That immunity has been continued to it ever since and now finds its place in sections 110 and III of the Government of India Act. Such an immunity was tolerated because it was local and not general. For it was provided that members of the Executive who could not be prosecuted in India were liable to prosecution in England for illegal acts done in India. This system of accountability if it was remote was none the less efficacious because under the old regime almost every member of the Executive by reason of the fact that he was a European returned to England. The composition of the Executive has now undergone a change. It is largely Indian in personnel and as the chances of any one of them going to England are so rare their liability can never in fact be enforced. The situation as it now stands provides no remedy either immediate or remote against

wrongful acts of ministers. To allow the situation to continue, is to destroy the very basis of constitutional government. I therefore recommend that sections 110 and 111 of the Government of India Act should be amended so as to allow all British subjects, whether Indian or European, the right to resort to the Courts in respect of illegal acts ordered by ministers. Such a change in the law was urged in 1919 in respect of ministers. But it was not then accepted because its acceptance, it was thought, would introduce an invidious distinction between Ministers and Executive Councillors. With the introduction of full responsible government in the Provinces, this objection does not survive.

25. I hold so strongly to the view of enforcing legal responsibility of ministers for illegal acts that I propose that the constitution should provide for the constitution of a tribunal composed of the Legislature or partly of the Legislature and partly of the Judiciary before which ministers may be impeached for acts unlawful in themselves or acts prejudicial to the national welfare. I am aware that owing to the introduction of ministerial responsibility impeachment has fallen into disuse. But I feel that ministerial responsibility in India is only in the making and until the Legislature and the Executive have become conscious of its implications it is better to provide a more direct means of curbing the extravagances of power in the hands of men who are unused to it and who may be led to abuse it by excessive loyalty to caste and creed. A safeguard is never superfluous because it is not often invoked.

26. In determining the relationship between the members of the executive — whether each should be liable for his acts only or whether each should be liable for the acts of all, in other words, whether the liability should be individual or joint — is a question on which no one can dogmatise. All the same I am for joint responsibility. I am aware that under it the Legislature is practically helpless in the matter of punishing a delinquent minister. With joint responsibility the legislature will not be able to dismiss a minister of whose acts it disapproves; it will not be in position even formally to censure him, unless it is prepared to get rid of his colleagues as well. This no legislature functioning with a parliamentary executive dare do. For if it does, and overthrows

the executive, the executive will also overthrow the Legislature by asking for a dissolution. Notwithstanding this defect, I am in favour of joint responsibility and for two reasons. In a modern state the function of the executive as an administering body applying legislation has become a secondary function. Its main function is to determine policy and submit proposals to the Legislature. Indeed so necessary is the function that the usefulness of the Legislatures would be considerably diminished if the executive failed to perform it. But in order that the executive may perform the function of policy-making, there must be a unity of outlook among its members. Such a unity of outlook will not be possible without complete coherence in the executive. Joint responsibility, it appears to me, can alone ensure such coherence. Second reason why I recommend joint responsibility is because I fear that the principle of individual responsibility will never permit the growth of a common political platform transcending the boundaries of caste and creed. It will perpetuate groups and the Presidency will for ever be condemned to a rule of Government by Coalition of groups which by their readiness to form new combinations, will plague the administration with instability and which by their preference for a policy of manoeuvres to a policy of ideas, will fatally affect the integrity of the work of the administration. Under joint responsibility although a party may be a collection of units of varying views yet members of each unit, not only shall be forced to do the best they can to formulate a unified policy but will be compelled to be bound by it. The habit of submitting to a party programme which is wider than the group programme will furnish a kind of education, the need of which must be keenly felt by all who know the conditions of India.

27. How to secure joint responsibility is a matter of some importance. To do it by express terms of law will leave no liberty either to the Head of the administration or the Legislature to dismiss a minister without dismissing the whole of the executive. It is therefore better to leave it to convention. The question how to make the convention operative still remains. It seems to me that if instead of the Governor choosing the ministers, the task was entrusted to one of the ministers to choose his colleagues, a cabinet so formed is bound to function on the basis of joint responsibility

and would yet leave room for getting rid of an individual minister without changing the whole personnel of the government. I therefore suggest that the Governor should be instructed not to undertake directly the task of appointing individual ministers but to choose a chief minister and leave to him the work of forming a government.

28. My colleagues have recommended that there should be 7 ministers to take charge of the administration of the Presidency. I am unable to concur in the recommendation in so far as it fixes the number of ministers. It may be that the future government of the Presidency might be able to do with less than 7 or may feel the necessity for having more than 7 to make no mention of having to appoint ministers without portfolios for satisfying the personal ambitions of members of the Legislature without whose support it may not be possible to carry on the government of the Province. Under these circumstances the wisest course seems to me to leave the question of the number of ministers open to be determined by the Legislature of the day.

THE POSITION AND POWERS OF THE GOVERNOR

29. Under the existing constitution the Governor of a Province does not occupy a well defined position. He has not the position of a constitutional head representing the Crown in the Province without any responsibility for the government of the Province. Nor is his position such as to invest him with a complete direction of the affairs of the Province. His position partakes of both. Such a position for the Governor which makes him play the double role of an autocrat and a constitutional head is not a very happy position either from the standpoint of the Governor or from the standpoint of smooth working of the governmental machine. Whatever the nature of the difficulties of the position of a Governor was made to occupy it was quite consistent with the type of the constitution that was introduced in 1919. As the constitution did not grant full responsible government the Governor was naturally not reduced to the position of a constitutional head. On the other hand, as the direction of the affairs of the Provinces was in some departments at any rate, transferred to responsible ministers, the Governor was not permitted to retain his former position as an

irresponsible head. The change in the position of the Governor was thus based on an intelligent principle of reducing the executive powers of the Governor in direct ratio to the advance made towards responsible government. Following the logic of the principle laid down in 1919, of making the position of the Governor to accord with the transfer of responsibility, I recommend that the Governor of the Province should be reduced to the position of a constitutional head. Indeed no other position for the Governor can be thought of, which will be compatible with the system of full responsible government.

30. Regarding his powers he shall have in his capacity as representing the Crown in the Executive of the Province the power to make appointments to the Cabinet. In the same capacity, he will have the ultimate power of giving or refusing sanction, to any order proposed by the minister in any matter pertaining to any branch of the administration. As representing the Crown in the Legislature he will have in dealing with Bills passed by the Council the power (1) to assent, (2) to reserve assent pending signification of His Majesty's pleasure and (3) to refuse assent.

31. The exercise of these powers given to the Governor must of course be made conditional upon the formula that it must be with the advice of ministers responsible to the Legislature. This does not mean that he will not have the discretion to disagree with his ministers. Far from that being the case, he will retain the liberty not merely to tell his ministers that he does not approve of their policy but actually to dismiss the ministers who persist in a policy to which he is opposed. For there cannot be any obligation on a constitutional head compelling him to follow a minister responsible to a Legislature. The essence of his obligation is to follow the general wish of the electors and if he appears to follow the minister it is because a minister is supposed to represent the will of the electors. But there may be occasions when he may have reasons to doubt that the minister correctly represents the Will of the general electorates. Consequently not only do the constitutions of all responsible governments recognise this possibility but they actually provide him with all possible means of ascertaining what the Will of the electorates is. For that purpose the constitution of every responsible government permits the

Governor to dismiss the ministers and appoint others who agree with him in the hope that the Legislature will support them. If the Legislature refuses support to the new ministers, the constitutions of all responsible governments permit him another resource that of an appeal to the electorates in the hope that they might support him. These resources the Governor of the Province must be allowed. But it is also necessary to bear in mind that no constitution gives him larger powers than these. If after the ascertainment of the Will of the electorates, it is found that the decision has gone against him the constitution of every responsible government leaves him no other alternative but to yield, abdicate or fight. The Governor of a Province must be content with these resources. Under no circumstances can he have independent powers of action such as he has under the present constitution to certify measures not passed by the Legislature, sanction expenditure refused by the legislature or suspend the constitution by dismissing the ministers and assuming the direction of affairs himself. What is necessary therefore for making the Governor a constitutional head is to take away his powers of certification and suspension and thus make it impossible for him to act independently of ministers responsible to the Legislature.

32. The precise language of the Section in which the obligation of the Governor to act on the advice of the minister is a matter of some moment Section 52(3) which deals with this seems to be too vaguely worded. It is too indefinitely worded to secure the desired end. Instead of stating that the Governor shall act on the advice of his ministers it would be better if the Section stated that no order of the Governor shall be valid unless it is countersigned by a minister. The obligatory force of such language is obvious. Accordingly I recommend such a change in the language of the Section.

33. Along with the definition of the powers of the Governor, the place of the Governor in the Executive must also be defined. Being relieved from the responsibility for the direction of affairs the function of the Governor becomes supervisory rather than executive. His main business will be to see that those on whom the responsibility will now fall do not infringe the principles enunciated in the constitution for their guidance. In order that he

may perform this function, he must be independent of local politics. That independence is absolutely essential to unprejudicial supervision. The best way of keeping him independent is to keep him away from the executive. Nothing will undermine public confidence in his impartial judgement so much as a direct participation by the Governor in political controversies nor can it be doubted that his association in the public mind with the controversies between the Legislature and the Executive will have any other result. If the Governor is to discharge his functions in a manner that will be regarded as fair it is very important that he must be above party. For that purpose he must be emancipated from the Executive as he has been dissociated from the Legislature. I therefore recommend that it should be provided that the Governor shall not be a part of the Executive nor shall he have the right to preside over it. The meetings of the Executive shall be summoned and presided over by the Prime Minister without any intervention of the Governor.

PROVINCIAL LEGISLATURE

FRANCHISE

34. My colleagues have recommended that the franchise in urban areas should remain as it is and that in rural areas the land revenue assessment should be halved. I am unable to agree to this. My colleagues have treated the question of franchise as though it was a question of favour rather than of right. I think that such a view is too dangerous to be accepted as the basis of political society in any country. For if the conception of a right to representation is to be dismissed as irrelevant; if a moral claim to representation is to be deemed as nothing but a metaphysical or sentimental obstruction; if franchise is considered a privilege to be given or withheld by those in political power according to their own estimate of the use likely to be made of it, then it is manifest that the political emancipation of the unenfranchised will be entirely at the mercy of those that are enfranchised. To accept such a conclusion is to accept that slavery is no wrong. For slavery, too, involves the hypothesis that men have no right but what those in power choose to give them. A theory which leads to such a conclusion must be deemed to be fatal to any form of popular Government, and as such I reject it in toto.

35. My colleagues look upon the question of franchise as though it was nothing but a question of competency to put into a ballot box a piece of paper with a number of names written thereon. Otherwise they would not have insisted upon literacy as a criterion for the extension of the franchise. Such a view of the franchise is undoubtedly superficial and I involves a total misunderstanding of what it stands for. If the majority had before its mind the true conception of what franchise means they would have realised that franchise, far from being a transaction concerned with the marking of the ballot paper, " stands for direct and active participation in the regulation of the terms upon which associated life shall be sustained and the permit of good carried on." Once this conception of franchise is admitted, it would follow that franchise is due to every adult who is not a lunatic. For, associated life is shared by every individual and as every individual is affected by its consequences, every individual must have the right to settle its terms. From the same premises it would further follow that the poorer the individual the greater the necessity of enfranchising him. Form in every society based on private property the terms of associated life as between owners and workers are from the start set against the workers. If the welfare of the worker is to be guaranteed from being menaced by the owners the terms of their associated life must be constantly resettled. But this can hardly be done unless the franchise is dissociated from property and extended to all propertyless adults. It is therefore clear that judged from either point of view the conclusion in favour of adult suffrage is irresistible. I accept that conclusion and recommend that the franchise should be extended to all adults, male and female, above the age of 21.

36. Political justice is not the only ground for the introduction of adult suffrage. Even political expediency favours its introduction. One of the reasons why minorities like the Mohammedan insist upon communal electorates is the fear that in a system of joint electorates the voters of the majority community would so largely influence the election that seats would go to men who were undesirable from the standpoint of the minority. I have pointed out in a subsequent part of the report that such a contention could be effectively disposed of by the introduction of adult suffrage.

The majority has given no thought to the importance of adult suffrage as an alternative to communal electorates. The majority has proceeded as though communal electorates were a good to be preserved and have treated adult suffrage as though it was an evil to be kept within bonds. My view of them is just the reverse. I hold communal electorates to be an evil and adult suffrage to be a good. Those who agree with me will admit that adult suffrage should be introduced not only because of its inherent good but also because it can enable us to get rid of the evil of communal electorates. But even those whose political faith does not include a belief in adult suffrage, will, I am sure, find no difficulty in accepting this view. For it is only common-sense to say that a lesser evil is to be preferred to a greater evil and there is no doubt that adult suffrage, if it is at all an evil, is a lesser evil than communal electorates. Adult suffrage, which is supported by political justice and favoured by political expediency, is also, I find, demanded by a substantial body of public opinion. The Nehru Committee's report, which embodies the views of all the political parties in India except the Non-Brahmins and the Depressed Classes, favours the introduction of adult suffrage. The Depressed Classes have also insisted upon it. The Sindh Mohammedan Association, one Mohammedan member and one Non-Brahmin member of the Government of Bombay, have expressed themselves in favour of it. There is thus a considerable volume of public opinion in support of adult franchise.' My colleagues give no reason why they have ignored this volume of public opinion.

37. Two things appear to have weighed considerably with my colleagues in their decision against the introduction of adult suffrage. One is the extent of illiteracy prevalent in the country. No one can deny the existence of illiteracy among the masses of the country. But that this factor should have any bearing on the question of franchise is a view the correctness of which I am not prepared to admit. First of all, illiteracy of the illiterate is no fault of theirs. The Government of Bombay for a long time refused to take upon itself the most important function of educating the people, and, when it did, it deliberately confined the benefit of education to the classes and refused to extend it to the masses.

(Lest this fact should be regarded as a fiction, I invite attention to the extracts from the Report of the Board of Education of the Bombay Presidency for the year 1850-51. (These extracts are printed at the end of this report as Appendix at pages 402-06.—*Editor)*

38. It was not until 1854, that Government declared itself in favour of mass education as against class education. But the anxiety of Government for the spread of education among the masses has gone very little beyond the passing of a few resolutions. In the matter of financial support Government always treated education with a most niggardly provision. It is notorious, how Government, which is always in favour of taxation refused to consent to the proposal of the Honourable Mr. Gokhale for compulsory primary education, although it was accompanied by a measure of taxation.

The introduction of the Reform has hardly improved matters. Beyond the passing of a Compulsory Primary Education Act in the Presidency there has not been any appreciable advance in the direction of mass education. On the contrary there has been a certain amount of deterioration owing to the transfer of education to local authorities which are manned, comparatively speaking, by people who being either indifferent or ignorant, are seldom keen for the advancement of education.

39. In the case of the Depressed Classes the opportunity for acquiring literacy has in fact been denied to them. Untouchability has been an insuperable bar in their way to education. Even Government has bowed before it and has sacrificed the rights of the Depressed Classes to admission in public schools to the exigencies of the social system in India. In a resolution of the year 1856 the Government of Bombay in rejecting the petition of a Mahar boy to a school in Dharwar observed:

> *" The question discussed in the correspondence is one of very great practical difficulty......*
>
> *" 1. There can be no doubt that the Mahar petitioner has abstract justice in his side; and Government trust that the prejudices which at present prevent him from availing himself of existing means of education in Dharwar may be are long removed.*

> *" 2. But Government are obliged to keep in mind that to interfere with the prejudices of ages in a summary manner, for the sake of one or few individuals, would probably do a great damage to the cause of education. The disadvantage under which the petitioner labours is not one which has originated with this Government, and it is one which Government cannot summarily remove by interfering in his favour, as he begs them to do."*

The Hunter Commission which followed after the lapse of 26 years did say that Government should accept the principle that nobody be refused admission to a Government College or School merely on the ground of caste. But it also felt it necessary to say that the principle should " be applied with due caution " and the result of such caution was that the principle was never enforced. A bold attempt was, no doubt, made in 1921 by Dr. Paranjpye, when he was the Minister of Education. But as his action was without any sanction behind it, his circular regarding admission of the Depressed Classes to Schools is being evaded, with the result that illiteracy still continues to be a deplorable feature of the life of the Depressed Classes.

40. To the question that is often asked how can such illiterate people be given the franchise, my reply therefore is, who is responsible for their illiteracy ? If the responsibility for illiteracy falls upon the Government, then to make literacy a condition precedent to franchise is to rule out the large majority of the people who, through no fault of their own, have never had an opportunity of acquiring literacy provided to them. Granting that the extension of franchise must follow the removal of illiteracy what guarantee is there that efforts will be made to remove illiteracy as early as possible ? The question of education like other nation-building questions is ultimately a question of money. So long as money is not forthcoming in sufficient amount, there can be no advance in education. How to find this money is therefore the one question that has to be solved. That a Council elected on the present franchise will never be in a position to solve the problem is beyond dispute. For the simple reason that money for education can only be provided by taxing the rich and the rich are the people who control the present Council. Surely the rich will not consent

to tax themselves for the benefit of the poor unless they are compelled to do so. Such a compulsion can only come by a radical change in the composition of the Council which will give the poor and illiterate adequate voice therein. Unless this happens the question of illiteracy will never be solved. To deny them that right is to create a situation full of injustice. To keep people illiterate and then to make their illiteracy the ground for their non-enfranchisement is to add insult to injury. But the situation indeed involves more than this. It involves an aggravation of the injury. For to keep people illiterate and then to deny them franchise which is the only means whereby they could effectively provide for the removal of their illiteracy is to perpetuate their illiteracy and postpone indefinitely the day of their enfranchisement.

41. It might be said that the question is not who is responsible for illiteracy; the question is whether illiterate persons should be given the right to vote. My answer is that the question cannot be one of literacy or illiteracy; the question can be of intelligence alone. Those who insist on literacy as a test and insist upon making it a condition precedent to enfranchisement in my opinion, commit two mistakes. Their first mistake consists in their belief that an illiterate person is necessarily an unintelligent person. But everyone knows that, to maintain that an illiterate person can be a very intelligent person, is not to utter a paradox. Indeed an appeal to experience would fortify the conclusion that illiterate people all over the world including India have intelligence enough to understand and manage their own affairs. At any rate the law presumes that above a certain age every one has intelligence enough to be entrusted with the responsibility of managing his own affairs.

The illiterate might easily commit mistakes in the exercise of the franchise. But then the Development Department of Bombay has fallen into mistakes of judgement equally great which though they are condemned, are all the same tolerated. And even if they fall into greater errors it may still be well that they should have franchise. For all belief in free and popular Government rests ultimately on the conviction that a people gains more by experience than it loses by the errors of liberty and it is difficult to perceive why a truth that holds good of individuals in non-political field

should not hold good in the political field. Their second mistake lies in supposing that literacy necessarily imports a higher level of intelligence or knowledge than what the illiterate possesses. On this point the words of Bryce might be quoted. In his survey of " Modern Democracies " he raises the question how far ability to read and write goes towards civic competence and answers thus: " Because it is the only test practically available, we assume it to be an adequate test. Is it really so ? Some of us remember, among the English rustics of sixty years ago shrewd men, unable to read but with plenty of mother wit, and by their strong sense and solid judgement quite as well qualified to vote as are their grand-children today who read a newspaper and revel in the cinema......... The Athenian voters......... were better......... fitted for civic franchise than most of the voters in modern democracies.

These Greek voters learnt politics not from the printed and, few even from any written page, but by listening to accomplished orators and by talking to one another. Talking has this advantage over reading, that in it mind is less passive. It is thinking that matters, not reading, and by thinking, I mean the power of getting at facts, and arguing consecutively from them. In conversation there is a clash of wits, and to that some mental exertion must go......... But in these days of ours reading has become substitute for thinking. The man who reads only the newspaper of his own party, and reads its political intelligence in a medley of other stuff, narratives of crimes and descriptions of football matches, need not know that there is more than one side to a question and seldom asks if there is one, nor what is the evidence for what the paper tells him. The printed page, because it seems to represent some unknown power, is believed more readily than what he hears in talk. He takes from it statements, perhaps groundless, perhaps invented, which he would not take from one of his follows in the workshop or the counting house. Moreover, the Tree of Knowledge is the Tree of the Knowledge of Evil as well as of Good. On the Printed Page Truth has no better chance than Falsehood, except with those who read widely and have the capacity of discernment. A party organ, suppressing some facts, misrepresenting some others, is the worst of all guides, because it can by incessantly reiterating untruth produce a greater

impression than any man or body of men, save only ecclesiastics clothed with a spiritual authority, could produce before printing was invented. A modem voter so guided by his party newspapers is no better off than his grandfather who eighty years ago voted at the bidding of his landlord or his employer or (in Ireland) of his Priest. The grandfather at least knew whom he was following, while the grandson, who only reads what is printed on one side of a controversy may be the victim of selfish interests who own the organs which his simplicity assumes to express public opinion or to have the public good at heart. So a democracy that has been taught only to read and not also to reflect and judge, will not be better for the ability to read."

42. It seems to me that too much is being made out of the illiteracy of the masses in India. Take the English voter and inquire into his conduct as a voter and what do we find ? This is what the Times Literary Supplement of August 21, 1924, says about him:

> *" The mass of the people have no serious interest. Their votes decide all political issues, but they know nothing of politics. It is a disquieting, but too well-founded reflection that the decision about tariff reform or taxation or foreign policy is now said by men and women who have never read a dozen columns of serious politics in their lives. Of the old narrow electorate of eight years ago probably at least two-thirds eagerly studied political speeches on the question of the day. Today not live per cent. of the voters read either debates or leading articles. The remnant, however remarkable, is small. Democracy as a whole is as content with gross amusement as Bottles was with vulgar ones, and like him it leases his mind to its newspaper which makes his Sundays much more degrading than those which he spent under his Baptist Minister. This is the atmosphere against whose poisonous gases the schools provide in vain the helmet of their culture."*

43. Surely if British Democracy — say the British Empire is content to be ruled by voters such as above, it is arguable that Indians who are opposed to adult suffrage are not only unjust and visionaries but are protesting too much and are laying themselves open to the charge that they are making illiteracy of the masses

an excuse to pocket their political power. For, to insist that a thorough appreciation of the niceties of political creeds and the ability to distinguish between them are necessary tests of political intelligence is, to say the least, hypercritical. On small political questions no voter, no matter in what country he is, will ever be accurately informed. Nor is such minute knowledge necessary. The most that can be expected from the elector is the power of understanding broad issues and of choosing the candidate who in his opinion will serve him best. This, I make bold to say, is not beyond the capacity of an average Indian.

44. The other thing which apparently weighed with my colleagues in refusing to accept adult suffrage is the analogy of the countries like England. It is argued that the extension of the franchise from forty shilling freehold in 1429 to adult suffrage in 1832 there were less than 500,000 persons who had the right to vote in the election of members of Parliament; that it was not until the Reform Act of that year that the number of voters was increased to nearly 1,000,000; that no further step was taken to lower the franchise till the passing of the Act of 1867 which increased it to 2,500,000; that the next step was taken 17 years after when the Act of 1884 increased it again to 5,500,000; and that adult suffrage did not come till after a lapse of 34 years when People's Representation Act of 1918 was passed. This fact has been used for very different purposes by different set of peoples. A set of politicians who are social Tories and political radicals use this in support of their plea that the legislature can be given full powers although it may not be fully representative and in reply to this argument of their opponents that the transference of power to a legislature so little representative will be to transfer it to an oligarchy. By others in support of their plea that in the matter of franchise we must proceed slowly and go step by step as other nations have done. To the second group of critics my reply is that there is no reason why we should follow in the footsteps of the English nation in this particular matter. Surely the English people had not devised any philosophy of action in the matter of franchise. On the other hand, if the extension was marked by such long intervals it was because of the self-seeking character of the English ruling classes. Besides, there is no reason why every nation should go through the same stages and enact the same scenes as other nations have

done. To do so is to refuse to reap the advantage which is always open to those who are born later. To the other section of critics my reply is that their contention as a fact is true, that Parliament did exercise full powers of a sovereign state even when it represented only a small percentage of the population. But the question is with what results to the nation ? Anyone who is familiar with the history of social legislation by the unreformed Parliament as told by Lord Shaftesbury certainly will not wish the experiment to be repeated in this country. This result was the inevitable result of the restricted franchise which obtained in England. The facts relied upon by these critics in my opinion do not go to support a government based upon a restricted franchise is a worse form of government in that it gives rise to the rule of oligarchy. Such a result was never contemplated by the authors of the Joint Report. Indeed they were so conscious of the evil that in paragraph 262 of their Report they were particular enough to say that among the matters for consideration the Statutory Commission should consider the working of the franchise and the constitution of electorates, including the important matter of the retention of communal representation. " Indeed we regard the development of a broad franchise as the arch on which the edifice of self-government must be raised: for we have no intention that our reforms should result merely in the transfer of powers from a bureaucracy to an oligarchy."

45. What is however the remedy for preventing oligarchy? The only remedy, that I can think of is the grant of adult suffrage. It is pertinent to remark that the members of the Ceylon Commission of 1928 who like the authors of the Joint Report were conscious that " the grant of a responsible government to an electorate of these small dimensions would be tantamount to placing an oligarchy in power without any guarantee that the interests of the remainder of the people would be consulted by those in authority " and who felt it " necessary to observe that His Majesty's Government is the trustee not merely of the wealthier and more highly educated elements in Ceylon but quite as much of the peasant and the coolie, and of all those poorer classes which form the bulk of the population " and who held that " to hand over the interests of the latter to the unfettered control of the former would be a betrayal of its trust," came " to the conclusion

that literacy should not remain as one of the qualifications for voters at election of State Council." They said " the development of responsible government requires, in our opinion, an increasing opportunity to the rank and file of the people to influence the Government and the franchise cannot be fairly or wisely confined to the educated classes." If adult franchise can be prescribed for Ceylon the question that naturally arises is why should it not be prescribed for India ? Similarity in the political, social, economic, and educational conditions of the two countries is so striking that to treat them differently in the matter of franchise is to create a distinction when there is no real difference to justify the same. Analogy apart and considering the case purely on merits it is beyond doubt that of the two if any one of them is more fitted to be trusted with the exercise of adult it is the people of India and more so the people of the Bombay Presidency wherein the system of adult suffrage is already in vogue in the village panchayats.

ELECTORATES

46. The existing Legislative Council is composed of 114 members, of whom 26 are nominated and 86 are elected. The nominated members fall into two groups (a) officials to represent the reserved half of the Government and *(b)* the non-officials to represent (1) the Depressed Classes, (2) Labouring Classes, (3) Anglo-Indians, (4) Indian Christians and (5) the Cotton Trade. Of the elected members (1) some are elected by class-electorates created to represent the interests of the landholders, commerce and industry, (2) some by reserved electorates for Maratha and allied castes and the rest, (3) by communal electorates which are instituted for the Muhammedans and the Europeans. The question is whether this electoral structure should be preserved without alteration. Before any conclusion can be arrived at, it is necessary to evaluate it, in the light of considerations both theoretical as well as practical.

NOMINATED MEMBERS

47. Against the nominated members it is urged that their presence in the Council detracts a great deal from its representative character. Just as the essence of responsible self-government is the

responsibility of the Executive to the Legislature, so the essence of representative government lies in the responsibility of the legislature to the people. Such a responsibility can be secured only when the legislature is elected by the people. Not only does the system of nominated member make the house unrepresentative, it also tends to make the Executive irresponsible. For by virtue of the power of nominations, the Executive on whose advice that power is exercised, appoints nearly 25 per cent. of the legislature with the result that such a large part of the house is in the position of the servants of the Executive rather than its critics. That the nominated non-officials are not the servants of the Government cannot go to subtract anything from this view. For the nominated non-official can always be bought and the Executive has various ways open to it for influencing an elected member with a view to buy up his independence. A direct conferment of titles and honours upon a member, or bestowal of patronage on his friends and relatives, are a few of such methods. But the nominated non-official members are already in such an abject state of dependence that the Executive has not to buy their independence. They never have any independence to sell. They are the creatures of the Executive and they are given seats on the understanding, if not on the condition, that they shall behave as friends of the Executive. Nor is the Executive helpless against a nominated member who has the audacity to break the understanding. For, by the power of re-nomination which the Executive possesses, it can inflict the severest penalty by refusing to re-nominate him and there are instances where it has inflicted that punishment. Like the King's veto, the knowledge that this power to re-nominate exists, keeps every nominated member at the beck and call of the Executive.

48. Another evil arising from the system of nomination must also be pointed out. The nominated non-official members were to represent the interests of certain communities for whose representation the electoral system as devised, was deemed to be inadequate just as the nominated official members were appointed to support the interests of government. The regrettable thing is that while the nominated officials served the interests of government, the nominated non-officials failed to serve the interests of their constituents altogether. Indeed a nominated non-official

cannot serve his community. For more often that not the interests of the communities can only be served by influencing governmental action, and this is only possible when the Executive is kept under fire and is made to realise the effects of an adverse vote. But this means is denied to a nominated member by the very nature of his being, with the result that the Executive, being assured of his support, is indifferent to his cause and the nominated member, being denied his independence, is helpless to effect any change in the situation of those whom he is nominated to represent. Representation by nomination is thus no representation. It is only mockery.

49. Another serious handicap of the system of nomination is that the nominated non-officials are declared to be ineligible for ministership. In theory there ought not to be limitations against the right of a member of the legislature to be chosen as a minister of an administration. Even assuming that such a right is to be limited, the purpose of such limitation must be the interests of good and efficient administration. Not only that is not the purpose of this limitation but that the limitation presses unequally upon different communities owing to the difference in the manner of their representation and affects certain communities which ought to be free from its handicap. Few communities are so greatly in need of direct governmental action as the Depressed Classes for effecting their betterment. It is true that no degree of governmental action can alter the face of the situation completely or quickly. But making all allowance for this, no one can deny the great benefits that wise legislation can spread among the people. All these classes do in fact begin and often complete their lives under a weight of inherited vices and social difficulties, tor the existence of which society is responsible, and of the mitigation of which much can be done by legislation. The effect of legislation to alter the conditions under which the lives of individuals are spent hus been recognised everywhere in the world. But this duty to social progress will not be recognised unless those like the Depressed Classes find a place in the Cabinet of the country. The system of nomination must therefore be condemned. Its only effect has been to produce a set of eventually subordinate the care of the constituents to the desire for place.

ELECTED MEMBERS

50. *Class Electorates*— These class electorates are a heritage of the Morley-Minto Reforms. The Morley-Minto Scheme was an attempt at make-believe. For under it the bureaucracy without giving up its idea to rule was contriving to create legislatures by arranging the franchise and the electorates in such a manner as to give the scheme the appearance of popular rule without the reality of it. To such a scheme of things, these class electorates were eminently suited. But the Montague Chelmsford Scheme was not a make-believe. It contemplated the rule of the people. Consequently it was expected to suggest the abolition of such class electorates. Owing, however, to the powerful influence, which these classes always exercised, the authors of the Report were persuaded to recommend their continuance, which recommendation was given effect to by the South-borough Committee. Whatever the reason that led to the retention of these class electorates, there is no doubt that their existence cannot be reconciled with the underlying spirit of popular government. Their class character is a sufficient ground for their condemnation. In a deliberative assembly like the legislature, where questions of public interest are decided in accordance with public opinion, it is essential that members of the Council who take part in the decision should each represent that opinion. Indeed no other person can be deemed to be qualified to give a decisive vote on the issues debated on the floor of the house. But the representatives of class interests merely reflect the opinions one might say, the prejudices of their class, and should certainly be deemed to be disqualified from taking part in the decision of issues which lie beyond the ambit of the interests of their class. Notwithstanding their class character as members of legislature they acquire the competence to vote upon all the issues whether they concern their own class or extend beyond. This, in my opinion, is quite subversive of the principle of popular government. It might be argued that representatives of such class interests are necessary to give expert advice on those sectional issues with which the unsectional house is not familiar. As against this, it is necessary to remember that in a democracy, the ultimate principle is after all self-government and that means that final decision on all matters must be made

by popularly elected persons and not by experts. It is moreover not worthy that the advice of such people is not always serviceable to the house. For, their advice invariably tends to become eloquent expositions of class ideology rather than careful exposition of the formulae in dispute.

51. Assuming, however, that it is necessary either to safeguard the interests of these classes or to tender advice to the house on their behalf, it is yet to be proved that these interests will not secure sufficient representation through general electorates. Facts, such as we have, show that they can. Taking the case of the Inamdars, though they have been given three seats through special electorates of their own, they have been able to secure 12 seats through the general electorates. Indeed by virtue of the solidarity which they have with other landholding members of the Council, they felt themselves so strong in numbers that only a few months back they demanded a ministerial post for the leader of their class. Besides, it is not true that without class-electorates there will be no representation of the interests of these classes in the Council. Such interests will be amply safeguarded by a member belonging to that class, even it he is elected by a general constituency. This will be clear if we bear in mind that a member taking his seat in the legislature, although he represents directly his constituency, yet indirectly he does represent himself and to that extent also his class. Indeed, from the very nature of things this tendency on the part of a member, indirectly to represent himself, although it might be checked, controlled and over-ruled, so surely manifests itself that it throws, and must necessarily throw, direct representation into the background. No one for instance can believe that a European gentleman representing a Chamber of Commerce will only represent the interests of commerce and will not represent the interests of the European community because he is elected by a Chamber of Commerce and not by the general European community. It is in the nature of things that a man's self should be nearer to him than his constituency. There is a homely saying that a man's skin sits closer to him than his shirt and without any imputation on their good faith so it is with the members of the legislature. It is the realisation of this fact which has led the English people who at one time wished that the shipping trade,

the woollen trade and the linen trade should each have its spokesman in the House of Commons, to abandon the idea of such class-electorates. It is difficult to understand why a system abandoned elsewhere should be continued in India. It is not necessary in the interests of these classes and it is harmful to the body politic. The only question is whether or not persons belonging to the commercial and individual classes can secure election through the general constituencies. I know of nothing that can be said to handicap these classes in the race of election. That there is no handicap against them is proved by the success of Sardars and Inamdars in general election. Where Inamdars and Sardars have succeeded there is no reason why representatives of commerce and industry should not.

52. *Reserved Electorates*—Three objections can be raised against the system of reserved electorates. One is that it seeks to guarantee an electoral advantage to a majority. It is true that the Marathas and the allied castes form a majority in the Marathi speaking part of the Presidency both in population as well as in voting strength and as such deserve no political protection. But it must be realised that there is all the difference in the world between a power informed and conscious of its strength and power so latent and suppressed that its holders are hardly aware of that they may exercise it. That the Marathas and the allied castes are not conscious of their power, is sufficiently evident if we compare the voting strength of the Marathas and the allied castes in those constituencies wherein, seats are reserved for them, with the rank of their representatives among the different candidates contesting the elections. In every one of such constituencies the Maratha voters, it must be remembered, have a preponderance over the voters of other communities. Yet in the elections of 1923 and 1926, out of the seven seats allotted to them, they could not have been returned in three had it not been for the fact that the seats were reserved for them. It is indeed strange that the candidates of a community which is at the top in the electoral roll, should find themselves at the bottom, almost in a sinking position. This strange fact is only an indication that this large community is quite unconscious of the power it possesses, and is subject to some influence acting upon it from without.

53. The second ground of objection, urged by the members of the higher classes who are particularly affected by the system of reserved seats. is that it does an injustice to them in that it does not permit them the benefit of a victory in a straight electoral fight. It is true that the system places a restriction upon the right of the higher classes to represent the lower classes. But is there any reason why " the right to represent," as distinguished from "a right to representation," should be an unrestricted right? Modern politicians have spent all their ingenuity in trying to find out the reason for restricting the right to vote. In my opinion there is a greater necessity why we should strive to restrict the right of a candidate to represent others Indeed, there is no reason why the implications of the representative function should not define the condition of assuming it. It would be no invasion of the right to be elected to the Legislature to make it depend, for example, upon a number of years' service on a local authority and to rule out all those who do not fulfil that condition. It would be perfectly legitimate to hold that that service in a legislative assembly is so important in its results, that proof of aptitude and experience must be offered before the claim to represent can be admitted. The argument for restricting the rights of the higher classes to represent the lower classes follows the same line. Only it makes a certain social attitude as a condition precedent to the recognition of the right to represent. Nor can it be said that such a requirement is unnecessary. For aptitude and experience are not more important than the social attitude of a candidate towards the mass of men whom he wishes to represent. Indeed, mere aptitude and experience will be the cause of ruination if they are not accompanied and regulated by the right sort of social attitude. There is no doubt that the social attitude of the higher classes towards the lower classes is not of the right sort. It is no doubt always said to the credit of these communities that they are intellectually the most powerful communities in India. But it can with equal truth be said that they have never utilised their intellectual powers to the services of the lower classes. On the other hand, they have always despised, disregarded and disowned the masses in belonging to a different strata, if not to a different race than themselves. No class has a right to rule another class,

much less a class like the higher classes in India. By their code of conduct, they have behaved as the most exclusive class steeped in its own prejudices and never sharing the aspirations of the masses, with whom they have nothing to do and whose interests are opposed to theirs. It is not. therefore, unjust to demand that a candidate who is standing to represent others shall be such as shares the aims, purposes and motives of those whom he desires to represent.

54. The third objection to the system of reserved electorates is that it leads to inefficiency inasmuch as a candidate below the line gets the seat in supersession of a candidate above the line. This criticism is also true. But here, again, there are other considerations which must be taken into account. First of all, as Professor Dicey rightly argues, " it has never been a primary object of constitutional arrangement to get together the best possible Parliament in intellectual capacity. Indeed, it would be inconsistent with the idea of representative government to attempt to form a Parliament far superior in intelligence to the mass of the nation." Assuming, however, that the displacement of the intellectual classes by the candidates belonging to the non-intellectual classes is a loss, that loss will be more than amply recompensed by the natural idealism of the backward communities. There is no doubt that the representatives of the higher orders are occupied with the pettiest cares and are more frequently concerned with the affairs of their own class than with the affairs of the nation. Their life is too busy or too prosperous and the individual too much self-contained and self-satisfied for the conception of the social progress to be more than a passing thought of a rare moment. But the lower orders are constantly reminded of their adversity, which can be got over only by a social change. The consciousness of mutual dependence resulting from the necessities of a combined action makes for generosity, while the sense of untrained powers and of undeveloped faculties gives them aspirations. It is to the lower classes that we must look for the motive power for progress. The reservation of seats to the backward Hindu communities makes available for the national service such powerful social forces, in the absence of which any Parliamentary government may be deemed to be poorer.

55. *Communal Electorates*—That some assured representation is necessary and inevitable to the communities in whose interests communal electorates have been instituted must be beyond dispute. At any rate, for some time to come the only point that can be open to question is, must such communal representation be through communal electorates ? Communal electorates have been held by their opponents to be responsible for the communal disturbances that have of late taken place in the different parts of the country. One cannot readily see what direct connection there can be between communal electorates and communal disturbances. On the contrary, it has been argued that by satisfying the demand of the Mohammedans, communal electorates have removed one cause of discontent and ill-feeling. But it is equally true that communal electorates do not help to mitigate communal disturbances and may in fact help to aggravate them. For communal electorates do tend to the intensification of communal feeling and that they do make the leaders of the two communities feel no responsibility towards each other, with the result that instead of leading their people to peace, they are obliged to follow the momentary passions of the crowd.

56. The Mohammedans who have been insisting upon the retention of the communal electorates take their stand on three grounds.

57. In the first place they say that the interests of the Mohammedan community are separate from those of the other communities, and that to protect these interests they must have separate electorates. Apart from the question whether separate electorates are necessary to protect separate interests, it is necessary to be certain that there are any interests which can be said to be separate in the sense that they are not the interests of any other community. In the secular, as distinguished from the religious field, every matter is a matter of general concern to all. Whether taxes should be paid or not, if so, what and at what rate; whether national expenditure should be directed in any particular channel more than any other; whether education should be free and compulsory: whether Government lands should be disposed of on restricted tenure or occupancy tenure; whether State aid should be granted to industries; whether there should be more police in

any particular area; whether the State should provide against poverty of the working classes by a scheme of social insurance against sickness, unemployment or death; whether the administration of justice is best served by the employment of honorary magistrates, and whether the code of medical ethics or legal ethics should be altered so as to produce better results, are some of the questions that usually come before the Council. Of this list of questions, is there any which can be pointed out as being the concern of the Mohammedan community only ? It is true that the Mohammedan community is particularly interested in the question of education and public service. But there again it must be pointed out that the Mohammedan community is not the only community which attaches particular importance to these questions. That the non-Brahmin and the depressed classes are equally deeply interested in this question becomes evident from the united effort that was put forth by all three in connection with the University Reform Bill in the Bombay Legislative Council. The existence of separate interests of the Mohammedan community is therefore a myth. What exists is not separate interests but special concern in certain matters.

58. Assuming, however, that separate interests do exist, the question is, are they better promoted by separate electorates than by general electorates and reserved seats ? My emphatic answer is that the separate or special interests of any minority are better promoted by the system of general electorates and reserved seats than by separate electorates. It will be granted that injury to any interest is, in the main, caused by the existence of irresponsible extremists. The aim should therefore be to rule out such persons from the councils of the country. If irresponsible persons from both the communities are to be ruled out from the councils of the country, the best system is the one under which the Mohammedan candidates could be elected by the suffrage of the Hindus and the Hindu candidates elected by the suffrage of the Mohammedans. The system of joint electorates is to be preferred to that of communal electorates, because it is better calculated to bring about that result than is the system of separate electorates. At any rate, this must be said with certainty that a minority gets a larger advantage under joint electorates than it does under a system of separate

electorates. With separate electorates the minority gets its own quota of representation and no more. The rest of the house owes no allegiance to it and is therefore not influenced by the desire to meet the wishes of the minority. The minority is thus thrown on its own resources and as no system of representation can convert a minority into a majority, it is bound to be overwhelmed. On the other hand, under a system of joint electorates and reserved seats the minority not only gets its quota of representation but something more. For, every member of the majority who has partly succeeded on the strength of the votes of the minority if not a member of the minority, will certainly be a member for the minority. This, in my opinion, is a very great advantage which makes the system of mixed electorates superior to that of the separate electorates as a means of protection to the minority. The Mohammedan minority seems to think that the Council is, like the Cardinals' conclave, convened for the election of the Pope, an ecclesiastical body called for the determination of religious issues. If that was true then their insistence on having few men but strong men would have been a wise course of conduct. But it is time the community realised that Council far from being a religious conclave is a secular organisation intended for the determination of secular issues. In such determination of the issues, the finding is always in favour of the many. If this is so, does not the interest of the minority itself justify a system which compels others besides its own members to support its cause ?

59. The second ground on which the claim to separate electorates is-made to rest is that the Mohammedans are a community by themselves; that they are different from other communities not merely in religion but that their history, their traditions, their culture, their personal laws, their social customs and usages have given them such a widely different outlook on life quite uninfluenced by any common social ties, sympathies or amenities; that they are in fact a distinct people and that they do so regard themselves even though they have lived in this country for centuries. On this assumption it is argued that if they are compelled to share a common electorate with other communities, the political blending consequent upon it will impair the individuality of their community. How far this assumption presents

a true picture, I do not step to consider. Suffice it to say, that in my opinion it is not one which can be said to be true to life. But conceding that it is true and conceding further that the preservation of the individuality of the Mohammedan community is an ideal which is acceptable to that community one does not quite see why communal electorates should be deemed to be necessary for the purpose. India is not the only country in which diverse races are sought to be brought under a common Government. Canada and South Africa are two countries within the British Empire where two diverse races are working out a common system of government. Like the Hindus and the Mohammedans in India, the British and the Dutch in South Africa and the British and the French in Canada are two distinct communities with their own distinctive cultures. But none has ever been known to object to common electorates on the ground that such a common cycle of participation for the two communities for electoral purposes is injurious to the preservation of their individualities. Examples of diverse communities sharing common electorates outside the Empire are by no means few. In Poland there are Poles, Ruthenians, Jews. White Russians, Germans and Lithuanians. In Latvia, there are Latvians. Russians, Jews, Germans, Poles, Lithuanians and Esthonians. In Esthonia. there are Germans, Jews, Swedes, Russians, Latvians and Tartars. In Czechoslovakia, there are Czechs, Slovaks, Germans, Magyars, Ruthenians. Jews and Poles. In Austria, there are Germans, Czechs and Slovenes: while in Hungary there are Hungarians, Germans, Slovaks, Roumanians, Ruthenians, Croatians, and Serbians. All these groups are not mere communities. They are nationalities each with a live and surging individuality of their own, living in proximity of each other and under a common Government. Yet none of them have objected to common electorates on the ground that a participation in them would destroy their individuality.

60. But it is not necessary to cite cases of non-Moslem communities to show the futility of the argument. Cases abound in which Mohammedan minorities in other parts of the world have never felt the necessity of communal electorates for the preservation of their individuality against what might be termed the infectious contagion of political contact with other communities.

It does not seem to be sufficiently known that India is not the only country where Mohammedans are in a minority. There are other countries, in which they occupy the same position. In Albania, the Mohammedans form a very large community. In Bulgaria, Greece and Roumania they form a minority and in Yugoslavia and Russia they form a very large minority. Have the Mohammedan communities there insisted upon the necessity of separate communal electorates ? As all students of political history are aware the Mohammedans in these countries have managed without the benefit of separate electorates; nay, they have managed without any definite ratio of representation assured to them. In India, at any rate, there is a consensus of opinion, that as India has not reached a stage of complete secularisation of politics, adequate representation should be guaranteed to the Mohammedan community, lest it should suffer from being completely eclipsed from the political field by the religious antipathy of the majority. The Mohammedan minorities, in other parts of the world are managing their affairs even without the benefit of this assured quota. The Mohammedan case in India, therefore, overshoots the mark and in my opinion, fails to carry conviction.

61. The third ground on which it is sought to justify the retention of separate communal electorates of the Mohammedans, is that the voting strength of the Mohammedans in a mixed electorate may be diluted by the non-Mohammedan vote to such an extent that the Mohammedan returned by such a mixed electorate, it is alleged, will be a weak and instead of being a true representative of the Mohammedans will be a puppet in the hands of the non-Mohammedan communities. This fear has no doubt the look of being genuine, but a little reasoning will show that it is groundless. If the mass of the non-Muslim voters were engaged in electing a Mohammedan candidate, the result anticipated by the Mohammedans may perhaps come true if the non-Muslims are bent on mischief. But the fact is that at the time of general election there will be many non-Mohammedan candidates standing for election. That being the case, the full force of all the non-Muslim voters will not be directed on the Mohammedan candidates. Nor will the non-Mohammedan candidates allow the

non-Mohammedan voters to waste their votes by concentrating themselves on the Mohammedan candidates. On the contrary, they will engage many voters, if not all, for themselves. If this analysis is true, then it follows that very few non-Mohammedan voters will be left to participate in the election of the Mohammedan candidates, and that the fear of the Mohammedans of any mass action against Muslim candidates by non-Muslim voters is nothing but a hallucination. That the Mohammedans themselves do not believe in it is evident from what are known as the " Delhi " proposals. According to these proposals, which have been referred to in an earlier part of this report, the Mohammedans have shown their willingness to give up communal electorates, in favour of joint electorates, provided the demand for communal Provinces and certain other concessions regarding the representation of the Muslims in the Punjab and Bengal are given to them. Now, assuming that these communal Provinces have no purpose outside their own, and it is an assumption which we must make, it is obvious that the Mohammedan minority in any province must be content with such protection as it can derive from joint electorates. It is therefore a question as to why joint electorates should not suffice without the addition of communal Provinces when they are said to suffice with the addition of communal Provinces. But this consideration apart, if there is any substance in the Muslim view that the watering of votes is an evil which attaches itself to the system of joint electorates, then the remedy in my opinion does no lie in the retention of communal electorates. The remedy lies in augmenting the numbers of the Mohammedan electors to the fullest capacity possible by the introduction of adult suffrage, so that the Mohammedan community may get sufficiently large voting strength to neutralise the effects of a possible dilution by an admixture of the non-Muslim votes.

62. All this goes to show that the case for communal electorates cannot be sustained on any ground which can be said to be reasonable. What is in its favour is feeling and sentiment only. I do not say that feeling and sentiment have no place in the solution of political problems. I realise fully that loyalty to Government is a matter of faith and faith is a matter of sentiment. This faith should be secured if it can be done without detriment to the body

politic. But communal representation is so fundamentally wrong that to give in to sentiment in its case would be to perpetuate an evil. The fundamental wrong of the system, has been missed even by its opponents. But its existence will become apparent to any one who will look to its operation. It is clear that the representatives of the Muslims give law to the non-Muslims. They dispose of revenue collected from the non-Muslims. They determine the education of the non-Muslims, they determine what taxes and how much the non-Muslims shall pay. These are some of the most vital things which Muslims as legislators do, whereby affect the welfare of the non-Muslims. A question may be asked by what right can they do this ? The answer, be it noted, is not by right of being elected as representatives of the non-Muslims. The answer is by a right of being elected as the representatives of the Muslims ! Now, it is an universally recognised canon of political life that the Government must be by the consent of the governed. From what I have said above communal electorates are a violation of that canon. For, it is government without consent. It is contrary to all sense of political justice to approve of a system which permits the members of one community to rule other communities without their having submitted themselves to the suffrage of those communities. And if as the Mohammedans allege that they are a distinct community with an outlook on life widely different from that of the other communities, the danger inherent in the system becomes too terrible to be passed over with indifference.

63. Such are the defects in the existing structure of the Council. It was framed by the Southborough Committee in 1919. The nature of the framework prepared by that Committee was clearly brought forth by the Government of India in their Despatch No. 4 of 1919 dated 23rd April, 1919, addressed to the Secretary of State in which they observed: " 2. Before we deal in detail with the report (of the Southborough Committee) one preliminary question of some importance suggests itself. As you will see, the work of the Committee has not to any great extent been directed towards the establishment of principles. In dealing with the various problems that came before them they have usually sought to arrive at agreement rather than to base their solution upon general reasonings."

64. My colleagues have not cared to consider the intrinsic value of the framework as it now stands. They have no doubt recommended that the system of nominations should be done away with and in that I agree with them. But excepting that they have kept the whole of the electoral structure intact, as though it was free from any objection. In this connection I differ from them. As I have pointed out, the whole structure is faulty and must be overhauled. I desire to point out that the object of the Reforms are embodied in the pronouncement of August 1917, declares the goal to be the establishment of self-governing institutions. The electoral structure then brought into being was only a halfway house towards it and was justified only because it was agreed that a period of transition from the rule of the bureaucracy to the rule of the people, was a necessity. This existing electoral structure can be continued only on the supposition that the present system of divided government is to go on. The existing system of representation would be quite incompatible with a full Government and must therefore be over-ruled.

65. There is also another reason why the present system of representation should be overhauled. Representative government is everywhere a party government. Indeed a party government is such a universal adjunct of representative government that it might well be said that representative government cannot function except through a party government. The best form of party government is that which obtains under a two-party-system both of ensuring stable as well as responsible government. An executive may be made as responsible as it can be made by law to the legislature. But the responsibility will only be nominal if the legislature is so constituted that it could not effectively impose its Will on the executive. A stable government requires absence of uncertainty. An executive must be able to plan its way continuously to an ordered scheme of policy.

But that invokes an unwavering support of a majority. This can be obtained only out of a two-party-system. It can never be obtained out of a group system. Under the group system the executive will represent not a general body of opinion, but a patchwork of doctrines held by the leaders of different groups who have agreed to compromise their integrity for the sake of

power. Such a system can never assure the continuous support necessary for a stable government since the temptation to reshuffling the groups for private advantage is ever present. The existing Council by reason of the system of representation is, to use the language of Burke, " a piece of joinery so crossly indented and whimsically dovetailed, a piece of diversified mosaic, a tessellated pavement without cement, patriots and courtiers, friends of government and open enemies. This curious show of a Legislature utterly unsafe to touch and unsure to stand on" can hardly yield to a two-party-system of government, and without a party system there will neither be stable government nor responsible government. The origin of the group system must be sought in the formation of the electorates. For, after all, the electorates are the moulds in which the Council is cast. If the Council is to be remodelled so that it may act with efficiency, then it is obvious that the mould must be recast.

66. In making my suggestions for the recasting of the electoral system I have allowed myself to be guided by three considerations: (1) Not to be led away by the fatal simplicity of many a politician in India that the electoral system should be purely territorial and should have no relation with the social conditions of the country, (2) Not to recognise any interest, social or economic, for special representation which is able to secure representation through territorial electorates, (3) When any interest is recognised as deserving of special representation, its manner of representation shall be such as will not permit the representatives of such interest the freedom to form a separate group.

67. Of these three considerations the second obviously depends upon the pitch of the franchise. In another part of this Report I have recommended the introduction of adult suffrage. I am confident that it will be accepted. I make my recommendations therefore on that basis. But in case it is not, and if the restricted franchise continues, it will call for different recommendations, which I also proposed to make. For the reasons given above and following the last mentioned consideration I suggest that—

I. If adult suffrage is granted there shall be territorial representation except in the case of the Mohammedans, the Depressed Classes, and the Anglo-Indians.

II. If the franchise continues to be restricted, all representation shall be territorial except in the case of the Mohammedans, the Depressed Classes, Anglo-Indians, the Marathas and the allied castes and labour.

III. That such special representation shall be by general electorates and reserved seats and of labour by electorate made up of registered trade unions.

68. From these suggestions it will be seen that I am for the abolition of all class electorates, such as those for (1) Inamdars and Sardars, (2) Trade and Commerce, whether Indian or European, (3) Indian Christians, and (4) Industry; and merge them in the general electorates. There is nothing to prevent them from having their voice heard in the Councils by the ordinary channel. Secondly, although I am for securing the special representation of certain classes, I am against their representation through separate electorates. Territorial electorates and separate electorates are the two extremes which must be avoided in any scheme of representation that may be devised for the introduction of a democratic form of government in this most undemocratic country. The golden mean is the system of joint electorates with reserved seats. Less than that would be insufficient, more than that would defeat the ends of good government. For obvious reasons I make an exception in the case of the European community. They may be allowed to have their special electorates. But they shall be general electorates and not class electorates.

DISTRIBUTION OF SEATS

Distribution of seats among the minorities

69. The quota of seats assigned by my colleagues to the different minorities is given below in the tabular form:

	Minority	No. of Seats out of 140	
		General	Special
I	Europeans	2	5
II	Anglo-indians	2	Nil
III	Indian Christians	1	Nil
IV	Depressed Classes	10	Nil
V	Mohammedans	43	2

70. From this table it will be seen that in distributing the seats among the different minorities, my colleagues have not acted upon any uniform principle. Nor does it appear that they have striven to do justice lo the minorities concerned. This is clear if we compare the treatment given by my colleagues to the Mohammedans with the treatment they have given to the Depressed Classes. Mohammedans form 19 per cent. of the population of the Presidency. My colleagues have proposed to give them over 31 per cent. of the total representation provided for the Legislative Council.

The Depressed Classes on the other hand who form according to the most conservative estimate 8 per cent. of the total population of the Presidency are allowed only 7 per cent. of the total seats in the Council. The reasons for this discrimination are difficult to comprehend. Of the two minorities the Mohammedan minority is undoubtedly stronger in numbers, in wealth and in education. Besides being weak in numbers, wealth and education, the Depressed Classes are burdened with disabilities from which the Mohammedans are absolutely free. The Depressed Classes cannot take water from public watering places even if they are maintained out of public funds; the Mohammedans can. The Depressed Classes, by virtue of their untouchability, cannot enter the Police, the Army and the Navy, although the Government of India Act lays down that no individual shall be denied his right to any public office by reason of his caste, creed or colour.

The Mohammedans have not only an open door in the matter of public service, but that in certain departments they have secured the largest share. The Depressed Classes are not admitted in Public schools even though they are maintained out of public money; there is no such bar against the Mohammedans. The touch of a Depressed Class man causes pollution; the touch of a Mohammedan does not; that trade and industry are open to a Mohammedan while they are closed to a man from the Depressed Classes. The Mohammedan does not bear the stigma of inferiority as does a man from the Depressed Classes with the result that the Mohammedan is free to dress as he likes, to live as he likes and to do what he likes. This freedom the Depressed Class man is denied. A Depressed Class man may not wear clothes better than

the villagers even though he may have the economic competence to pay for its cost. He must live in a hut. A Depressed Class man may not make much display of wealth and splendour even on ceremonial occasions and may certainly not take the bridegroom on a horse in procession through the main streets. Any act contrary to the customary code or beyond his status is bound to be visited by the wrath of the whole body of villagers amongst whom he happens to live. The Depressed Class man is far often subject to the tyranny of the majority than the Mohammedan is. The reason is that the Mohammedan who has all the elementary rights of a human being accorded to him, has no cause for quarrel against the majority, except when a religious issue comes to the front. But the position of the Depressed Class man is totally different. His life which is one incessant struggle for the acquisition of the rights of a human being, is a constant challenge to the majority which denies him these rights. The result is that he is constantly in antagonism with the majority. This is not all. If on any occasion the Mohammedan is visited by the tyranny of the majority, he has on his sides the long arm of the Police and the Magistracy. But when the Depressed Class man is a victim of the tyranny of the majority, the arm of the Police or of the Magistracy seldom comes to his rescue. On the contrary it works in league with the majority to his detriment, for the simple reason that the Mohammedan can count many of their kith and kin in the Police and the Magistracy of the Province; while the Depressed Classes have no one from them in these departments. And be it noted that the Depressed Classes have not merely to bear the brunt of the orthodox Hindu force. It has also to count against the Mohammedans. It is ordinarily supposed that the Mohammedan is free from social prejudices of the Hindus against the Depressed Classes. Nothing can be a greater error than this. Leaving aside the urban areas, the Mohammedan in the rural parts is as much affected by the poison as the Hindu. The fracas that took place at Harkul, a village in the Mangaon Taluka of the Kolaba District, is an instance in point. In this district the Depressed Classes launched a campaign of social elevation and resolved to give up certain unclean practices which have marked them out as persons of inferior status. The Hindus of the district, who had formerly preached to these people the abandonment of these unclean practices as a necessary condition

of their uplift, turned upon these poor people and tyrannised them by bringing to bear upon them a social and economic boycott. But it was never expected that the Mohammedans of the district would follow their Hindu neighbours. On the contrary it was the hope of the Depressed Classes that in their struggle with the touchable Hindus the Mohammedans would act as their friends. But these hopes of theirs were dashed to pieces. For, it was soon found that the Mohammedans, although they did not observe untouchability, were as much infected as the Hindus with the noxious belief that the Depressed Classes were born to an inferior social status and that their attempt to raise themselves above it by giving up their unclean habits was an affront and an insult which required to be put down. As a result many were the fights that took place between the Mohammedans and the Depressed Classes of the district, in one of which, at Harkul, a Depressed Class man actually lost his life.

71. It is therefore clear that the problem of the Depressed Classes is far greater than the problem of the Mohammedans. The Mohammedans may be backward in the race, although they are so forward that in education at least they are second only to the advanced Hindus. But they are certainly not handicapped, so that with effort and encouragement they can hope to rise. The Depressed Classes, on the other hand, are not merely backward, they are also handicapped, so that no effort or encouragement will enable them to rise unless the handicap is first removed. That being the difference between the two, whatever degree of political power that may be necessary for the Mohammedans to change their backward state, the Depressed Classes will require twice as much if not more to do so. Yet my colleagues have reversed the proportion of their representation. The Mohammedans, who are 19 per cent. and who form a strong minority, are given 31 per cent. of seats in the Council, while the Depressed Classes, who form 8 per cent. of the population on the most conservative estimates, are given only 7 per cent. of the seats in the Council which, in fact, is I per cent. less than their population ratio.

72. There is a view that the problem of the Depressed Classes is a social problem and that its solution must be sought for in the social field. I am surprised that this view prevails even in high

quarters. I am afraid that those who hold this view forget that every problem in human society is a social problem. The drink problem, the problem of wages, of hours of work, of housing, of unemployment insurance are all social problems. In the same sense the problem of untouchability is also a social problem. But the question is not whether the problem is a social problem. The question is whether the use of political power can solve that problem. To that question my answer is emphatically in the affirmative. True enough that the State in India will not be able to compel touchables and untouchables to be members of one family whether they liked it or not. Nor will the State be able to make them love by an Act of the Legislature or embrace by order in Council of the Executive. But short of that the State can remove all obstacles which make untouchables remain in their degraded condition. If this view is correct, then no community has a greater need for adequate political representation than the depressed classes.

73. My colleagues nowhere explain why the Mohammedan minority should get 12 per cent. more than its population ratio and why the Depressed Classes should not get even the share that is due to them on the basis of their population. It is noteworthy that the Mohammedan witnesses who pleaded for the excess of their representation did not claim it on the ground, as one might have expected, that it was necessary to ensure their progress or their well being. Their only ground was that the Mohammedans were the descendants of a ruling class and that they required this excessive representation because without it, they feared that the community would suffer in importance and influence. From this it will be seen that the Mohammedan claim for such excessive representation proceeds not on the basis of adequacy but on the basis of supremacy. I am strongly of opinion that in any democratic form of government all communities must be treated as of equal political importance and that there should be no room left for any one community to claim that it is *uber alles.* When anyone said that his community was important and should receive fair and adequate representation the claim was entitled to the sympathetic consideration of all. But when any one urged that his community was specially important and should therefore receive

representation in excess of its fair share, the undoubted and irresistible implication was that the other communities were comparatively inferior and should receive less than their fair share. That is a position to which naturally the other communities will not assent. The earlier therefore the Mohammedan community is disabused of this extravagant notion, the better it will be for the future of the community. For there is no benefit in an advantage which not being willingly conceded by the other communities has perpetually to be fought for. On the contrary it may result in positive harm to the Mohammedan community by sowing the seeds of estrangement and perhaps of positive antipathy between it and the other communities concerned.

74. The Mohammedan's is not the only case of a ruling class which has suffered a fall in its position. The French in Canada and the Dutch in South Africa are other instances where a class fell from its position of a ruling class to that of a subject class. But neither the French in Canada nor the Dutch in South Africa put forth claims to extravagant representation in order to be able to maintain their former position as rulers. Nor is such a consideration shown to the Mohammedan minorities in other parts of the world. The Mohammedan minorities in Albania, Roumania, Greece, Bulgaria are the remnants of what was once a ruling race. Yet in none of these countries have they claimed a royal share of representation. The Mohammedan claim for representation according to the influence is not only not heard of but is quite foreign to the system of representative government. The landowners, the capitalists, and the priests have an immense influence in every society, but no one has ever conceded that these classes should be given an immense share of representation. There is therefore no reason why the Mohammedan claim should be recognised when claims of similar nature have been dismissed elsewhere.

75. Whatever may have been their position before the advent of British rule in India—and there again it must not be forgotten, that if the Mohammedans have ruled India for five centuries, the Hindus have ruled for countless centuries before them and even after them — the safest course is to proceed on the basis that as a result of the British conquest all communities stand on a common

level and pay no heed to their political past. Such an attitude far from being unjust will be perfectly in keeping with the sentiments expressed by the Law Commissioners who drafted the Indian Penal Code in their address to the Secretary of State. Therein they observed: '' Your Lordship in Council will see that we have not proposed to except from the operation of this Code any of the ancient sovereign houses of India residing within the Company's territories. Whether any such exception ought to be made is a question which, without a more accurate knowledge than we possess of existing treaties, of the sense in which those treaties have been understood, of the history of negotiations, of the temper and of the power of particular families, and of the feeling of the body of the people towards those families, we could not venture to decide. We will only beg permission most respectfully to observe that every such exception is an evil; that it is an evil that any man should be above the law; that it is still greater evil that the public should be taught to regard as a high and enviable distinction the privilege of being above the law; that the longer such privileges are suffered to last, the more difficult it is to take them away; that there can scarcely ever be a fairer opportunity of taking them away than at the time when the Government promulgates a new Code binding alike on persons of different races and religion; and that we greatly doubt whether any consideration except that of public faith solemnly pledged, deserves to be weighed against the advantages of equal justice.''

76. These are words of great wisdom and I am sure that words of greater wisdom have not been uttered for the guidance of those in charge of the public affairs of India. Nor is their wisdom restricted to the occasion on which or the purpose in relation to which they were uttered. I have no doubt that they apply to the present occasion with equal if not greater force. Indeed using the language of the Law Commissioners, I am led to say that it is an evil that the constitutional law of the country should recognise that any one community is above the rest; that it is a still greater evil that sections of public should be taught to weigh themselves in the scales of political importance in such a manner as to lead one to look up to and the other to look down upon; that the longer such notions are suffered to last the more difficult it is to eradicate them and that there can scarcely ever be a fairer opportunity for dispelling them than at the time when Parliament promulgates a new code of constitutional law binding alike on persons of different races and religion.

77. Equal treatment of all the minorities in the matter of representation is only a part of the problem of the representation of minorities. To determine a satisfactory quantitative measure for the distribution of seats is another and a more important part of the problem. But this is a most controversial question. Of the two opposing theories one is that the representation of a minority should be in a strict proportion to its population. The other theory which is strongly held by the minorities is that such representation must be adequate. I do not think that the arithmetical theory of representation can be agreed to. If the Legislative Council was a zoo or a museum wherein a certain number of each species was to be kept, such a theory of minority representation would have been tolerable. But it must be recognised that the Legislative Council is not a zoo or a museum. It is a battle ground for the acquisition of rights, the destruction of privileges and the prevention of injustice. Viewed in this light a minority may find that its representation is in full measure of its population yet it is so small that in every attempt it makes to safeguard or improve its position against the onslaught of an hostile majority it is badly beaten. Unless the representation of minorities is intended to provide political fun the theory of representation according to population must be discarded and some increase of representation beyond their population ratio must be conceded to them by way of weightage.

78. To recognise the necessity of weightage is no doubt important. But what is even of greater importance is to recognise that this weightage must be measured out to the minorities on some principle that is both intelligent and reasonable. For it must be recognised that the minorities under the pretext of seeking adequate protection are prone to make demands which must be characterised as preposterous. To avoid this we must define what we mean by adequacy of representation. No doubt adequacy is not capable of exact definition, but its indefiniteness will be considerably narrowed if we keep before our mind certain broad

considerations. First of all a distinction must be made in the matter of minority representation between adequacy on the one hand and supremacy on the other. By supremacy, I mean such a magnitude of representation as would make the minority a dictator. By adequacy of representation I mean such a magnitude of representation as would make it worth the while of any party from the majority to seek an alliance with the minority. Where a party is compelled to seek an alliance with a minority, the minority is undoubtedly in the position of a dictator. On the other hand where a party is only drawn to seek an alliance with the minority, the minority is only adequately represented. The first thing, therefore, that should be kept in mind in the matter of the allotment of seats to minorities is to avoid both the extremes—inadequacy as well as supremacy. These extremes can in my opinion be avoided if we adopt the rule that minority representation shall, in the main, be so regulated that the number of seats to which a minority is entitled will be a figure which will be the ratio of its population to the total seats multiplied by some factor which is greater than one and less than two.

79. This principle, it is true, merely defines the limits within which the representation of a minority must be fixed. It still leaves unsettled and vague with what this multiplier should vary. My suggestion is that it should vary with the needs of the particular minority concerned. By this method we arrive at a principle for measuring out the weightage to the minorities which is both intelligible and reasonable. For, the needs of a minority are capable of more or less exact ascertainment. There will be general agreement that the needs of a minority for political protection are commensurate with the power it has to protect itself in the social struggle. That power obviously depends upon the educational and economic status of the minorities. The higher the educational and economic status of a minority the lesser is the need for that minority of being politically protected. On the other hand the lower the educational and economic status of a minority, the greater will be the need for its political protection.

80. Taking my stand on the sure foundation of the principle of equality on the one hand and the principle of adequacy on the other I feel I must demur to the allotment of seats proposed by

my colleagues to the different minorities. My proposal is that out of 140 seats the Mohammedans should have 33 and the Depressed Classes 15. This gives the Mohammedans 23 per cent. and the Depressed Classes 10.7 per cent. of the total seats in the Council. By this, the Mohammedans get nearly 4 per cent. and the Depressed Classes 2 per cent. above their respective population ratios. This much weightage to the respective communities is, in my opinion, reasonable and necessary and may be allowed. Besides my proposal has one thing in its favour and that is, it keeps the ratio of Mohammedan representation unaltered. In the present Council, the Mohammedans have 23 per cent. of the total representation. As a result of my proposal they will have the same ratio of representation in the new Council.

81. In view of the fact that some people disfavour, I do not say oppose, the degree of representation I have allowed to the Depressed Classes, I think it is necessary that I should clear the cloud by additional explanation. There is no doubt that the initial representation allowed to the Depressed Classes was grossly unfair. The authors of the Joint Report expressly stated (paragraph 153) " we intend to make the best arrangements we can for (the) representation (of the Depressed Classes)". But this promise was thrown to the wind by the Southborough Committee which was subsequently appointed to devise franchise, frame constituencies and to recommend what adjustments were needed to be made in the form of the proposed popular Government as a consequence of the peculiar social conditions prevalent in India. So grossly indifferent was the Southborough Committee to the problem of making adequate provision for safeguarding the interests of the Depressed Classes that even the Government of India which was not particular in this matter, felt and called upon in paragraph 13 of their Despatch on the Report of the Southborough Committee to observe: " We accept the proposals (for non-official nomination) generally. But there is one Community whose case appears to us do require more consideration than the Committee gave it. The Report on Indian Constitutional Reforms clearly recognised the problem of the Depressed Classes and gave a pledge respecting them. The castes described as ' Hindus—others ' in the Committee's Report though they are defined in varying terms, are broadly

speaking all the same kind of people. Except for differences in the rigidity of their exclusion they are all more or less in the position of the Madras Panchamas, definitely outside the part of the Hindu Community which is allowed access to their temples. They amount to about one-fifth of the total population, and have not been represented at all in the Morley-Minto Councils. The Committee's Report mentions the Depressed Classes twice but only to explain that in the absence of satisfactory electorates they have been provided, or by nomination. It does not discuss the position of these people of their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them. Paragraph 24 of the Report (of the Franchise Committee) justified the restriction of the nominated seats on grounds which do not suggest that the Committee were referring to the Depressed Classes. The measure of representation which they proposed for this Community is as follows:

Province	Total population in millions	Population of Depressed classes in millions	Total Seats	Seats for the Depressed Classes
Madras	39.8	6.3	120	2
Bombay	19.5	.6	113	1
Bengal	45.0	9.9	127	1
United Provinces	47.0	10.1	120	1
Punjab	19.5	1.7	85	...
Bihar and Orissa	32.4	9.3	100	1
Central Provinces	12.0	3.7	72	1
Assam	6.0	.3	54	
	221.2	41.9	791	7

These figures speak for themselves. It is suggested that the one-fifth of the entire population of British India should be allotted seven seats out of practically 800. It is true that in all the councils there will be roughly a one-sixth proportion of officials who may be expected to bear in mind the interests of the Depressed; but that arrangement is not, in our opinion, what the Report on Reforms aims at. The authors stated that the Depressed Classes should also learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the Community in an assembly where there are 60 to 90 Caste Hindus.

To make good the principles of paragraphs 151, 152, 155 of the Report we must treat the out-castes more generously............"

82. Even the Joint Select Committee recognised that the Depressed Classes were unjustly treated in the matter of representation by the South-borough Committee. For the Committee in its Report felt bound to observe that " the representation proposed for the Depressed Classes is inadequate. Within the definition are comprised, as shown in the Report of the Franchise Committee, a large proportion of the whole population of India. They think that the Government of India should, as it advises, be instructed to give such classes a larger share of representation by nomination, regard being had to the numbers of Depressed Classes in each Province, and after consultation with the Local Governments. This representation should, if necessary, be in addition to, but not in diminution of, the general electorate." All this of course was of no avail and the wrong done by the Southborough Committee to the Depressed Classes remained unredressed. The present is not an attempt to give excessive representation to the Depressed Classes. It is only an attempt to rectify the wrong done. Nor can it be said that in suggesting the measure of representation it is open to the objection of being extravagant. For, even the Muddiman Committee which said that there was " a very general recognition of the fact that it is desirable that both these interests (i.e., the labouring classes and the Depressed Classes) should receive further representation " and expressed itself as being " in agreement with this view " proposed to give them II seats in a Legislative Council of 113. If 11 seats out of 113 was a reasonable allotment, then the allotment of 15 out of 140 must be admitted to be very moderate. The quota of 15 appears excessive only because the initial quota was small. Those who object to the quota of 15 because it is out of proportion to the existing quota forget that the initial quota of seats which they are adopting as the standard measure is neither just nor proper.

83. There is one other matter which needs to be cleared up. My colleagues in paragraph 16 of their Report in which they discuss the question of the allotment of seats to the Mohammedan community say, " Two of our members, Sirdar Mujumdar and Dr.

Ambedkar, are of the opinion that this arrangement can stand only so long as the Lucknow pact stands as regards all provinces." My colleagues have misunderstood me and have therefore misrepresented me. What I wanted to point out was that as they had not justified communal electorates or the number of seats to be given to the Mohammedans it would be better if they stated in their report that this was in pursuance of the Lucknow pact. The way in which my colleagues have reported me seems to suggest that I support the Lucknow pact. I take this opportunity to say that the suggestion is quite unwarranted.

GEOGRAPHICAL DISTRIBUTION OF SEATS

84. My difference with my colleagues is not confined only to the question of allotment of seats to the different minorities. It extends also to the question of distribution of seats among the different constituencies. One unpleasant feature of the Council as now constituted is the overrepresentation of some part and an under-representation of the rest. The enormous extent of the evil is made clear by the following figures:

Maharashtra	47,854	8,536,217	21818155	25
Karnataka	10,118	2,958,849	99,41,264	16
Gujarat	18,870	3,188,523	82,91,225	8
Sind	46,506	3,279,377	1,03,85,031	19

85. How glaring are the inequalities becomes evident from the above table. Taking population as the basis, Maharashtra and Karnatak are grossly under-represented. Adopting representation of Gujarat as the standard, Maharashtra ought to be allowed 48 seats and Karnatak 17. Even taking revenue as the basis of distribution, Maharashtra and Karnatak have undoubtedly been treated quite unfairly. For, on that basis also Maharashtra is entitled to 32 and Karnatak 15. This demand for equal electoral power is not a mere sentimental demand or a demand for exact electoral symmetry. It has also behind it ample theoretical justification. For, in a system in which the value of a vote is high in one constituency and low in another, it is open to objection that every member of the community has not an equal share with each of the rest of the people in the choice of their rulers. But even if the principle of

exact equivalence of all votes be not treated as a fundamental principle of political justice, yet the differences of this kind do not fail to produce the evil consequences of the overrepresentation of one part of the country or one set of opinions or interests at the expense of the other. Experience has shown that the existing distribution of seats has unduly divided the centre of gravity of legislative and executive action to certain parts of the Presidency to the prejudice of other parts of the Presidency, with the result that the latter have unintentionally been deprived of an adequate share of consideration and attention from the Government. From this practical point of view the existing distribution of seats is a grievance, the justice of which cannot be denied. As matters now stand Karnatak and Maharashtra can never exercise in this Province that influence on the Government to which they consider themselves entitled by reason of their numbers. This is a substantial grievance which must be keenly felt as indicated by the evidence from Karnatak. This grievance is bound to increase as the responsible character of the Legislative Council increases and with it the influence which it will exercise upon the conduct of public affairs. There is, therefore, too much reason to fear that instead of dying out, the bitterness of feeling will become more and more acute. It is, therefore, proper that at a time when we are overhauling the machinery of Government with a view to make it a representative and a responsible government, this grievance should also be redressed.

86. The evil of over-representation of some parts of this Presidency at the expense of other parts was due to the fact that the Southborough Committee acted quite capriciously and refused to follow any definite principle in the matter of the distribution of seats. I am glad to find that my colleagues have sought to follow a uniform principle in the matter of distribution of seats as far as possible. But my complaint is that they have taken the worst possible principle as the basis of the distribution of seats. Contributions to the exchequer, electors on the roll and population in the constituency are the three conceivable tests that can be adopted as the basis for the distribution of seats. Of these three the test of the electors is the most unjust and indefinite. In the first place where the franchise is so restricted as we now have, it means

the rule of wealth. It means that if any particular area on any arbitrary test of property qualification does not produce the basic quota of electors it should go without representation. That this must be inevitable consequence of following the test of electors is clearly brought out in the distribution proposed by the Majority for the Depressed Classes, according to which the Depressed Classes of some parts have enormous representation while those of the other part of the Presidency have no representation at all. A theory which produces such an absurd result must be regarded as indefensible and must be ruled out. Revenue is a better test than the test of electorates. For it may be argued that the power to influence government should be commensurate with the revenue paid to Government. This test must even be rejected as being deceptive and inadequate, owing to the fact that as all revenue might not be paid when it is earned, it would be difficult to know the true revenue of a State. A constituency in which a large revenue is earned may suffer in distribution of seats because it is paid in another. But the most fatal objection to both these tests is that the State does not exist for the benefit of the electors or the taxpayers. Nor does the State limit its coercive action to them. Its jurisdiction extends over all the people who are its subjects irrespective of the question whether or not he is a taxpayer or an elector. From that it follows that the population is the only test for a just and proper distribution of seats. That is the test applied in England and in all countries which have a representative system of government, and I recommend that the seats for the Bombay Legislative Council should be distributed on that basis.

OTHER ASPECTS OF THE DISTRIBUTION OF SEATS

87. The want of principle which is noticeable in the distribution of seats among the minorities as proposed by my colleagues is also noticeable in the distribution of seats they have proposed between Capital and Labour, and between Landlords and Tenants. To capital as represented through Commerce and Industry they have given II seats, while to labour they give only four. To tenants they give none except what they can scrape through in the general election; while to the landlords they give five. But this is not correct for if we take into consideration the Sindh members and others from the Presidency, the seats to the landlords in the Council

might easily come up to forty. Nor can I say that my colleagues have paid sufficient attention to the question of the proper distribution of seats between urban and rural areas. The Legislature is at present too much at the mercy of the rural classes and there is a great danger of governmental powers being exploited in the name of the agriculturists for legalising dangerous fads such as permanent settlements, cheap irrigation and free forests. If such fads are to be kept out of the statute book it is necessary to increase the representation of the urban classes whose representation is not commensurate with their ability or their contribution. It would have been better if my colleagues had left the task of a proper distribution of seats between the different parts of the Presidency to a separate Committee. I cannot say they have succeeded in doing justice to the weaker parties. I would suggest that a separate committee should be appointed to deal with this problem.

SEATS AND RESIDENTIAL QUALIFICATION

88. Under rule *6(1)(b)* of the Bombay Electoral Rules, a residential qualification is prescribed for candidates for election to the Legislative Council.

The rule lays down that “No person shall be eligible for election as a member of the Council to represent a general constituency unless he has for the period of six months immediately preceding the last date fixed for the nomination of candidates in the constituency, resided in the constituency or in a division any part of which is included in the constituency.” The rule has been interpreted in this Presidency to mean that actual or habitual residence in the constituency (and not merely a place of residence or occasional visits to it) is necessary before a candidate can stand for election from a particular constituency. Before I give my own opinion on this question I would like to state briefly the history of this restriction so far as this Presidency is concerned.

Paragraph 84 of the Joint Report commented on the fact that a noteworthy result of the electoral system then existing was the large percentage of the members of the legal profession who succeeded at elections and went on to point out that so great a predominance of men of one calling in the political field was clearly not in the interests of the general community and suggested

that in framing the new constituencies an important object to be borne in mind was to ensure that men of other class and occupations found a sufficient number of seats in the councils and that it was possible that this could be done by prescribing certain definite qualifications for rural seats.

The question was carefully examined by the Southborough Committee, who in paragraph 29 of their report referred to the fact that some of the local governments, namely, those of the United Provinces, Behar and Orissa and Assam did not press for the insertion of the residential qualification, while the Governments of Bengal, Bombay, Madras and the Punjab held that it would be detrimental to the interests of a large proportion of the new electorate to admit as candidates, persons who were not resident in the areas they sought to represent. The majority of the Southborough Committee were on principle opposed to the residential qualification, but they resolved, by way of a compromise, to impose the restriction in the Central Provinces. Bombay and the Punjab but not in the remaining provinces. The Government of India, in expressing their views upon the recommendations of the Southborough Committee, accepted those recommendations, but pointed out that the Committee's treatment of the question had placed them in some difficulty in that while the Committee accepted the views of some of the local governments in favour of the restriction, they discarded the views of some others who equally pressed for it.

The Joint Parliamentary Committee on the Government of India Bill recommended that the compromise suggested by the Franchise Committee should be accepted. This was done and the residential qualification was imposed only in the Central Provinces, Bombay and the Punjab. I would point out that subsequent to this the residential qualification was done away with in the Punjab in the revision of the rules which proceeded the General Elections of 1923. The Punjab Government themselves in the opinion which they gave to the Muddiman Committee stated that for the first general elections the residential qualification wave the rural representatives an entry from which they had not been dispossessed, and there appeared to be no adequate reason for restoring the qualification. The position at present therefore is that

Bombay and the Central Provinces are the only provinces in which the residential qualification still exists. In the Central Provinces the restriction is not interpreted as strictly as it is in this Presidency. It is, in my opinion, difficult to justify the retention of this restriction in this the most advanced Province in India when provinces much more backward have felt no necessity for it. The retention of this qualification is, in my opinion, to some extent responsible for the election of inferior men to the Councils and for the keeping out of the Councils men of position, ability and proved political capacity who are mostly found in the larger urban areas and who by the existence of the qualification are prevented from seeking election anywhere else if for some reason they are unable to secure election from their own residential area. I therefore recommend that the residential qualification should now be abolished so far as this Presidency is concerned.

6

Lucknow Pact

89. I am aware that my recommendations regarding the substitution of joint electorates for communal electorates and the distribution of seats conflict with the terms of the Lucknow Pact in so far as they affect the representation of the Mohammedan community. The representation of the Mohammedan community as settled under the rules framed in 1919 was largely based upon what is known as the Lucknow Pact. This pact embodies an agreement arrived at in 1917 at Lucknow between the Moslem League and the Congress, the former acting on behalf of the Mohammedans and the latter on behalf of the Hindus. It gave to the Mohammedans communal electorates and a varying proportion of seats in the Provincial and Central Legislature. I realise that the views I have put forth on the representation of the Mohammedan community are subversive of this agreement, and I feel that it is incumbent upon me to state why I think that this agreement should be scrapped.

90. My first argument is that the settlement embodied in the Lucknow Pact is wrong settlement. This was admitted by all the local governments. The Government of India in their Despatch reviewing the recommendations of the Franchise Committee to the Secretary of State, reported: " We note that local governments were not unanimous in subscribing to the compact. The Government of Madras framed their own proposals for Mohammedan representation without regard to it. The Bombay Government, while adopting the compact, did not rule out from discussion a scheme of representation upon a basis of population. The Chief Commissioner of the Central Provinces was opposed

to separate Mohammedan electorates and considered that the percentage proposed in the compact was ' wholly disproportionate to the strength and standing of the community.' The Chief Commissioner of Assam thought it was a mistake even from a Muslim point of view to give that community representation in excess of their numerical proportion." Nor did the Government of India differ from this view generally held by the Provincial Governments. Evaluating the results of the Lucknow Pact in the different Provinces, they observed, "the result is that while Bengal Mohammedans get only three-quarters and the Punjab Mohammedans nine-tenths of what they would receive upon a population basis, the Mohammedans of other Provinces have got good terms and some of them extravagantly good. We cannot ourselves feel that such a result represents the right relation either between Mohammedans in different Provinces, or between Mohammedans and the rest of the community ". Sir William Vincent, in a note of dissent, went so far as to say, "In my view.........we should proceed without regard to the details of the Lucknow Settlement to fulfil our own pledges to the Mohammedans in what we ourselves think is the best way."

91. The wrong in the Lucknow Pact is not so much that it treated the Mohammedans in the different Provinces in a dissimilar manner, providing for them generously in some and niggardly in others. This is comparatively speaking a small matter. The principal defect in the Lucknow Pact is that in allotting the seats to the Mohammedans it did not take into consideration the effect it will have upon other interests. The framers of the pact, as pointed out by the Government of India, failed to remember that whatever advantage is given to the Mohammedans is taken away from some other interest or interests. Sir William Vincent, too, was careful enough to point this out. He also said in his minute of dissent, " The compact meets with much more acceptance than criticism of the present time; but hereafter, when the value of votes and representation comes to be realised, it must be expected that the interests which are hard hit by it will complain with some injustice that the Government of India should have endorsed it." The extent to which this prediction has been realised is remarkable, and the universal dissatisfaction that is felt with the result of the

Lucknow Pact is more than sufficient testimony to show that settlement embodied in the Lucknow Settlement is a wrong settlement. Now there can be nothing improper in asking that what is wrongly settled shall be re-settled. Such a demand is bound to meet with opposition from the Mohammedan community. Having obtained representation on an extravagant scale, they are sure to take their stand on precedent and past rights. But as Thomas Paine pointed out, the error of those who reason by precedents drawn from antiquity respecting their rights is that they would not take that time to the starting point when no vested rights existed. If they did they would realise that rights, far from being immutable, are historical accidents and are therefore liable to readjustment from time to time. This must be so, for all political and social progress is based upon the maxim that wrong cannot have a legal descent and that what is not rightly settled is never settled. This is not the only instance in which a pact like the Lucknow Pact is sought to be revised. The Act of Union between Ireland and England was also a pact of the same sort. It certainly had a far greater binding force than the Lucknow Pact. In fact it was regarded as a treaty which guaranteed to Ireland 100 seats in Parliament. All the same, Mr. Balfour's Government, when it found that the excessive representation granted to Ireland had become a positive wrong, did not hesitate to bring in a Bill in 1905 which would have had the effect of reducing the Irish seats by 30. That owing to the resignation of Mr. Balfour's Government the Bill did not become law is another matter. But the fact remains that a revision of the Irish Settlement in the matter of the representation was not excluded by the fact that the settlement was based upon an agreement between the two parties. Nor was Mr. Balfour agreeable to the view that such revision could be carried out only with the consent of Ireland. Indeed, he had launched upon the scheme of redistribution in the teeth of the Irish opposition. But it is not necessary to go so far a field to find a precedent when there is one near at hand. The constitution of Ceylon had also given recognition to pacts and agreements between various organisations allowing communal representation and communal distribution of seats. But the Ceylon Commission of 1928 was emphatic in its view that " in any case, in considering afresh the whole problem of representation, private arrangements

between races or groups, while worthy of attention, cannot take precedence of considerations in the interests of the Ceylon people as a whole." It had therefore no hesitation in revising the whole scheme of representation in Ceylon out of recognition. What is asked herein is no more than what is done elsewhere.

92. It is further to be remembered that the Lucknow Pact is valueless not merely because its terms, to use the words of Government of India, "were the result rather of political negotiation than of deliberate reason," but also because it was brought about by organisations neither of which had any real authority to speak in the name of those on whose behalf they purported to act. The All-India Muslim League was not entitled to speak for all Mohammedans, and that it was the view of the Government of India in their despatch on the Report of the Southborough Committee is abundantly clear. Regarding the Congress, it is indisputable that it is a body which does not represent the vast mass of the Non-Brahmins and the Depressed Classes. A pact arrived at by organisations which are not constituent assemblies of the mass of people may bind themselves, but they certainly cannot bind the generality of the people. To give the pact an authority as though it was treaty negotiated between duly empowered plenipotentiaries of different States is to assume in the League and the Congress an authority which they did not possess. It has become necessary to assess the binding force of the agreement because of the view taken by the Government of Bombay that, " Any change in the direction of abolishing separate electorates must, however, be based on agreement between the two communities, and cannot be forced on the Mohammedans against their wish. The question is also an All-India one and can hardly be dealt with on different lines for each Presidency. The Government of Bombay adhere to the view which they had expressed in 1916 that communal electorates are not acceptable to them and that their abolition is desirable, if it can be secured with the consent of both parties as in the case of the Lucknow Pact." In my opinion this is an attitude which is as irresponsible as it is dangerous. It is irresponsible because it involves the surrender of the right of Parliament to decide in the matter. That the Government of India thought it wise not to " ignore " the pact,

which in their opinion represented a genuine attempt on the part of the two communities upon so highly controversial a subject and "on behalf of the larger community at least a subordination of their immediate interests to the cause of unanimity and united political advance," is true. But that is far from saying that the Government of India or any other authority held the view that on the question of Mohammedan representation their position was merely to register the decision which the Congress and the League may by mutual negotiations make. Indeed, Sir William Vincent was careful to point out that "in this matter (the Government of India) cannot delegate (its) responsibility to Parliament into other hands."

93. The attitude taken by the Bombay Government is dangerous because, admitting that an error has been committed, it refuses to take upon itself the task of correcting it. I would have looked upon such an attitude as a pardonable sin if the error was not an error in the constitutional arrangement of the country. But unfortunately it is an error in the constitution, and, having found its lodgement in a most vital part thereof, it affects its working in a fatal manner. An error of such a character cannot be tolerated. A mistake in constitutional innovation directly affects the entire community and every part of it. It may be fraught with calamity or ruin, public or private, and correction is virtually impossible. The Government of Bombay practically takes for granted that all constitutional changes are final and must be submitted to, whatever their consequences. Doubtless this assumption arises from a fateful renunciation that in these matters we are propelled by an irresponsible force on a definite path towards an unavoidable end towards destruction. But I am glad to find that the Government of India in accepting the pact did not concede that its terms as embodied in the Act should stand unaltered. Far from leaving the matter shrouded in ambiguity, they made it quite clear that the arrangement was not to stand beyond the first Statutory Commission. In their Despatch on the Report of the South-borough Committee they said: " Before we deal in detail with the Report, one preliminary question of some importance suggests itself. As you will see, the work of the Committee has not to any great extent been directed towards the establishment of principles. In dealing with the various problems that came before them they have usually sought to arrive at agreement rather than to base their solutions upon general reasonings. It was no doubt the case that the exigencies of time alone made any other course difficult for them. But in dealing with their proposals, we have to ask ourselves the question whether the results of such methods are intended to be in any degree permanent......... Whatever be the machinery for alteration, however, we have to face the practical question of how long we intend the first electoral system set up in India to endure. Is it to be opened to reconstruction from the outset at the wish of the Provincial Legislature or is it to stand unchanged at least until the first Statutory Commission ? There are reasons of some weight in either direction. In the interest of the growth of responsibility it is not desirable to stereotype the representation of the different interests in fixed proportion; the longer the separate class and communal constituencies remain set in a rigid mould, the harder it will become to progress towards normal methods of representation. *On* the other hand, it is by no means desirable to invite incessant struggle over their revision." It is for the Commission to say whether the life of this error shall be prolonged. I have hopes that the Commission will not merely say, " Well, we feel the force of the objections to principle of the communal system fully. But we cannot help as India has deliberately chosen her road to responsible government." For the Commission will realise that its duty to point out the right road and lead India on to it arises not merely out of a conscientious regard for what is right but also out of the moral obligation of the British authorities who are primarily responsible for pointing out in 1909 this wrong road.

SECOND CHAMBER

94. My colleagues have recommended the institution of a second chamber as a part of the Provincial Legislature of this Presidency and have suggested a framework for its constitution. I am afraid my colleagues have not devoted sufficient thought to the difficulties pertaining to its construction. In the matter of its composition, a second chamber, if there is to be one, must be different than the first. In the matter of its powers, they must be such that a second chamber can work without impediment to the

first chamber. It seems to me to be very difficult to constitute a second chamber which will satisfy both these conditions. A nominated second chamber is out of question. The Canadian Senate is a standing warning against the introduction of a nominated second chamber. It cannot have the moral authority of a popularly elected chamber to command respect for its decisions. Nor can it have the independence possessed by a popularly elected chamber to sit in judgement, as a revising chamber must, over the very executive which brings it into being. If the second chamber is an elective chamber then its working smoothly with the first will depend upon their respective franchise, times of election and their powers.

If the second chamber is elected on the basis of a restricted franchise, it is sure to end in the raising of a small group from amongst the aristocracy into a governing class having a special degree of control over the destiny of the masses. Such a second chamber, far from being a revising chamber acting as a check upon the supposed rashness of the lower chamber, will be a chamber which, instead of putting a premium upon improvement in general, will put a premium upon the upkeep of vested interests. It would be dormant under a conservative administration and would be vigilant only under a radical one. When it ought to revise it will refuse, and when it ought to refuse to revise it will revise and may perhaps obstruct. If the two are elected on a uniform franchise, then the second will only be a replica of the first and will be quite superfluous. The same would be the result if the second chamber was elected simultaneously with the first. On the other hand, if the second chamber is elected at a different time than the first, then it is bound to enfeeble the executive and diminish its efficiency. For it would work as a hindrance to adequate policy making and may cause such a violent break in the policy of the executive as to lead to constant general elections. If the two chambers are coequal in powers there are bound to be deadlocks, and the inevitable result of all deadlocks is an unhappy compromise, if not a total abandonment of the principle in dispute. On the other hand, if the powers of the second chamber are inferior to those of the first, it will not be able to control the supposed rashness of the first chamber and will thus fail to perform the purpose of its life.

95. In framing the constitution of a second chamber my colleagues have ignored all these difficulties. In doing so they have created a second chamber which, if I may say so, has all the faults and none of the virtues which a second chamber should have. In supporting the idea of a second chamber it seems to me that my colleagues have more or less followed the crowd psychology. A widespread existence of second chambers in historical times has given rise to the dogma of political science that a second chamber is a necessary accompaniment of a popular government. But it is forgotten that a two-chamber system which had its origin in England was a purely historical accident. That it found a place in the constitution of other countries was the result of the imitation of the superior by the inferior, and the virtue ascribed to it of serving as a brake on the rashness of the popular chamber is a subsequent invention of the human mind to justify the existence of what had become a universal fact. But it must be noted that this faith in the second chamber has been dwindling of late and that pre-war constitutions like Canada and South Africa and many post-war constitutions like those of Latvia, Lithuania, Esthonia and Yugoslavia have dispensed with the second chamber. This reaction has come about by the growing conviction that a government must) be judged not by the symmetry of its structure, but by its practical achievement, by the content of actual service that it renders to the community and by the amount of well-being that it brings to the nation as a whole.

96. Looking at the institution of a second chamber from the utilitarian point of view, I refuse to accept that it can perform the function of a revising chamber. If to revise means to interpret the will of the electorates, I fail to understand how the second chamber is more likely than the first to be correct in its judgement as to what the electoral will is. My view is that the electorate and not the second chamber will be the best judge when such a question arises, unless we suppose that the members of the second chamber by virtue of their position have a greater presence than the members of the lower chamber. I deny that the second chamber possesses any such virtue. Indeed, a second chamber is not only as much likely to fail in correctly gauging the popular will, but its own interests in the matter are likely to give it such a personal bias one way or the other as to make it quite incapable of coming to an

independent and rational judgement. It is therefore better, safer and more reasonable to have a single chamber and to throw the responsibility of decision, when doubt arises, upon the electorate which chooses the chamber. Besides, if the idea underlying the second chamber is to delay the decision of the first chamber, then this is already secured by the Governor having the power to refer back any particular measure which has been passed by the Legislature for reconsideration. If the Legislature does not reconsider, but passes it in original form, the Governor can still stop it by vetoing it. And if the Legislature does not abide by the decision of the Governor, it may compel him to submit the matter in dispute to the electorate by compelling the dissolution of the House. It is therefore obvious that what the second chamber can do or is expected to do, can be done by the Governor with his powers to veto, to refer back and to dissolve. If this is admitted, then a second chamber becomes a useless appendage to a popular chamber.

97. I am sure my colleagues would not have been led away by what exists in some other countries without applying the utilitarian standard if they had made sure that their assumption that a single chamber is likely to pass hasty and ill-conceived laws was based on sure foundations. It seems to me that the assumption is quite unfounded and displays a total ignorance of the working of modern politics. No piece of legislation in modern times is flung upon the Legislature as a surprise. On the other hand every legislative proposal before it is enacted into law goes through a long process of discussion and dissection at the hands of the public extending over a long period of years. Indeed, if the antecedent history of every measure which has found its place in the Statute Book were investigated it would demonstrate that the period that has intervened between the conception of the idea and its enactment into a law has varied more often on the side of length than on the side of brevity. Such being the case the assumption that a popular chamber acts hastily and therefore needs a brake upon its wheels is to prescribe for a disease which does not exist.

98. What however my colleagues are after is not a revising chamber but a governing caste. This is clear from the purpose

assigned to it, from the franchise on which it is sought to be built and the powers which are proposed to be given to it. I confess I am somewhat surprised that they should have thought that a devolution of powers on the Legislature must be circumscribed by the institution of a second chamber as an insurance against such powers being used to the detriment of a particular community, or a particular interest. For the desire really felt, as I understand it, is not that we should have a reform in which the centre or the balance of political power shall remain unchanged but that within certain limits it shall be surreptitiously shifted in the direction of the mass of the people. To attempt to circumscribe this devolution of power seems to suggest that my colleagues think that the most desirable kind of political reform is one which does not alter the balance of power amongst the different communities concerned. Persons who hold such a view in my opinion either do not know what political reform means or, knowing what it means, do not desire a reform which will disturb the *status quo.* As for myself, I make no mistake about the fact that the essence of all reforms is to change the balance of power among the different classes. If the lower classes gain, some other class must lose. If each class remains with no more political power than before then there will have been no real reform. It is idle to suppose that either the lower classes or for the matter of that any class interested in reform will be satisfied with a measure, either because it is called political reform or because while proposing to change everything it contrives to keep things where they are. It would be much better to say in plain terms that the scheme of devolution of political power should be so conditioned that the flow of power shall stop with the classes and shall not reach the masses. I must however make it plain that I cannot be a party to any such scheme of reforms.

99. Granting that a second chamber is a necessity there is one supreme difficulty in the way of its formation. The authors of the Montague-Chelmsford Report had in 1917 carefully considered the question of establishing second chambers in the Provinces. But taking all things into consideration they decided against the proposal. They said, " We see very serious practical objections to the idea. In many provinces it would be impossible to secure a sufficient number of suitable members for two Houses. We apprehend also that a second chamber representing mainly lended

and monied interests might prove too effective a barrier against legislation, which affected such interests. Again, the presence of large landed proprietors in the second chamber might have the unfortunate result of discouraging other members of the same class from seeking the votes of the electorates. We think that the delay involved in passing legislation through two Houses would make the system far too cumbrous to contemplate for the business of Provincial Legislature. We have decided for the present therefore against bicameral institution for the Provinces." The objections raised to second chambers in 1917 hold good even today. I am quite certain that this Presidency has not at its command a sufficient number of eminent men to run both the Houses. A second chamber will sap the life of the first or the first will sap the life of the second. There is not enough material to build both. Under such circumstances it is better to have a single efficient chamber than to have two effective ones. For these reasons I oppose the institution of a second chamber in the Presidency.

POWERS OF THE LEGISLATURE

100. *Power of appointing and removing the President.*—Prior to the reforms of 1919 the Governor who was the chief of the executive of the Province was the President of the Provincial Legislature. By the changes introduced in 1919 the Provincial Legislature obtained the right of electing one of its members as its President and to remove him from office. This was a valuable privilege. The exercise of this privilege was, however, made subject to certain restrictions inasmuch as the appointment of the President was made subject to the approval and his removal subject to the concurrence of the Governor. These limitations are the remnants of the time when the Executive was supreme over the Legislature. They are not to be found in the constitution of the dominions. They are incompatible with the independence of the Legislature and must be removed. Granting that the President must be made independent of the executive, question is, must he also be made independent of the judiciary ? Section 110 of the Government of India Act defines the officers and the matters in respect of which they are exempt from the jurisdiction of the High Courts. The President of the Legislative Council is not included among the officers who enjoy this immunity. That being the case, the President

of the Legislature is subject to the jurisdiction in respect of what he does as a President. That means that his conduct as a President is liable to be questioned in a Court of Law. It is feared that this opens a vast field to vexatious litigation involving great delay in the conduct of the business of the Legislature. This is sought to be remedied by granting exemption to the President from the jurisdiction of the Courts. I am opposed to this change and prefer to leave things as they are.

101. *Power of defining Privileges.*—No one will question the expediency of allowing a Legislature every power reasonably necessary to the existence of such a body, and the proper exercise of the functions which it is intended to execute. The position of the Provincial Legislatures under the existing law is very unsatisfactory. Beyond giving certain immunities to the members of the Legislature and barring the meagre powers given to the President by rule 17 of the Legislative Council Rules for expelling a disorderly member, the law gives no authority to the Legislature to vindicate itself against a wrong calculated to obstruct its work or lower its dignity. Such authority can no longer be withheld from the Legislature. I therefore recommend that the Provincial Legislatures like the Dominion Legislatures should be given the power within prescribed limits to define by law the powers and privileges which it thinks are necessary in its own interest.

102. *Power of regulating Procedure.*—The conduct of business in the Bombay Legislative Council is governed by Rules framed under Section. 72D (6) of the Government of India Act supplemented by Standing Orders framed under Section 72D (7) of the same. In the framing of this code of procedure the Provincial Legislature has had no hand. The standing orders were made by the Governor-General in Council, though the Legislature had had the liberty to suggest amendments to them. But the Rules are framed under the provisions of Section 129A by the Governor-General in Council which expressly prohibits the Provincial Legislature from altering or repealing them. I am of opinion that the Provincial Legislature should have the power of regulating its own procedure. The difficulty in giving such freedom to the Provincial Legislatures seems to arise from the fact that some of the Rules embody provisions which in other countries form parts

of their constitutional law; so that the power to amend rules virtually become power to alter the constitution. But this difficulty can be easily avoided if an attempt was made to enact such rules as section of the Government of India Act. If this is done, the recommendation I have made can be easily given effect to and the Provincial Legislatures brought on a par with the Dominion Legislatures of Australia, South Africa and Canada.

103. *Power of Legislation.*—Section 80C of the Government of India Act provides that it shall not be lawful for any member of any local Legislature to introduce, without the previous sanction of the Governor, Lieutenant Governor or Chief Commissioner, any measure affecting the public revenue of a province, or imposing any charge on those revenues. This section is a serious limitation upon the powers of the Legislature. It is a relic of the days when the people had no voice in the administration of the affairs of the country. The retention of these powers will ill accord with a Legislature supreme over the executive. This section must therefore be deleted. The Governor will still have the power of vetoing any legislation that will be passed by the Council. That power must suffice. More than that will not be consistent with the position he will have to occupy under a system of complete ministerial responsibility.

104. *Power of Appropriation.*—The Legislative Council under Section 72D may assent or refuse its assent to a demand or reduce the amount referred to therein either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed. This power is subject to certain important provisions. In the case of a demand relating to a reserved subject, the Governor has the power of over-ruling the decision of the Legislature if he certifies that the expenditure provided for in the demand is essential to the discharge of his responsibility for the subject. Another proviso limiting the powers of appropriation of the Legislature is contained in Section 72D, Clause *(2)(b)*, by virtue of which the Governor has the " power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the Province, or for the carrying on of any department." These are also very serious limitations on the powers of the Legislative Council, and

I suggest that they should be removed from the Act. The powers given to the Governor under the first proviso are out of place in a Government which is fully responsible and in which the Governor is not charged with the direction of affairs. The safety and tranquillity of the Province will not be a special concern of the Governor any more than that of the responsible Executive. Consequently the power given by the second proviso to the Governor is unnecessary and should be taken away.

105. Another restraint on the financial powers of the Legislature is embodied in Section 72D(3). By virtue of this, the executive is not required to submit to the Legislature for its vote expenditure on certain specified heads mentioned therein. The result is that the Budget of the Province contains permanent appropriations to a large extent which the Legislative Council cannot touch. Theoretically speaking, every item of expenditure should be sanctioned each year by the Legislature. But the Budget, in almost every country, contains permanent appropriations which do not require to be voted annually by the Legislature. Even in England there has grown up quite a list of permanent appropriations covering before the War in the aggregate about one-third of the total annual expenditure. Whether the Executive can or cannot be trusted to fix the amount and determine the character of public expenditure depends upon the stage of development at which people have arrived in their realisation of constitutional government If the stage be such that there exists an uncertainty concerning the political rights of the Government and the people, it would not be safe to permit such permanent appropriations of public moneys without Legislative sanction as are contemplated by Section 72D (3). It is true that the foundation of responsible government in the Provinces is just being laid and the Provincial Legislatures have jealously to guard against the encroachments of the Executive. All the same, it must, I think, be recognised that the right of popular control over public affairs is recognised and will be under the new constitution fully conceded, so that under the various checks upon the arbitrary use of public authority the submission for annual sanction of every item of public expenditure need not be insisted upon. I do not therefore object to this scheme of permanent appropriations. But I object to their being made so

by law, thereby curtailing the powers of the Legislature. Their being made a matter of law has had the effect of debarring the Legislature from even discussing the policy underlying the administration of non-votable items. The creation of non-votable items must be a matter of convenience. There ought to be no restraint about them on the Legislature by law.

106. *Power of controlling the Executive.*—Originally Provincial Legislatures under the reformed constitution of 1919 could control the Minister in three ways: (1) by legislation, (2) by refusing supplies, and (3) by refusing or reducing their salaries. The second and the third were the only two ways whereby the Legislature could control the administration by the Ministers. This control could normally be exercised only once a year, and was therefore insufficient. Consequently provision was made in 1926 for a motion regarding want of confidence in a Minister. These powers are sufficient for the Legislature to control the actions of a Minister and were in keeping with the idea that the Ministers were to be individually liable for their actions. The future Ministry will be based upon the principle of joint responsibility under which Ministers will stand together or fall together. There is nothing in the existing powers of the Legislature to indicate that it desires to dismiss the Ministry as a whole. I think provisions to this effect should be made by adding a new class of motion to be called " a motion of no confidence " as distinguished from the existing motion, which should be renamed as " motion questioning a Minister's policy in a particular matter ". This was suggested by the Muddiman Committee but was not carried out.

107. *Power of altering the Constitution.*—The Provincial Legislatures are bound by the terms of the instrument which has created them. By virtue of that instrument they are made bodies with "plenary powers" possessing a specific and defined power of government in their territory over all persons. The plenary powers of government do not *per se* carry a power to alter the constitution itself. There is a desire that the Provincial Legislatures should have the powers of a constituent Assembly to alter the constitution of the Province. There is much that can be said in favour of such a proposal. Parliament having consented to grant self-government to the people of the Province, it is as well that

the people of the Province had the right to decide the form of government under which they liked to live. But it must be recognised that there are minorities who will not like their constitutional rights to be determined by the majority, as would be the case if the Provincial Legislatures were allowed the right to alter the constitution. This is the principal reason why the constitution of Canada gives no power to the Canadian Parliament to alter the constitution of Canada. There is, however, the example of South Africa, which shows that the powers of altering the constitution can be conferred on a Legislature without detriment to the position of the minorities. There is therefore no reason why the example of South Africa should not be followed. I recommend that the power of altering the constitution of the Province should be granted to the Provincial Legislature; provided that it shall have no power to alter the provisions regarding the representation of minorities in the Legislature.

108. What special procedure should be prescribed for passing such legislation is a matter which it is very difficult to decide. But it might, however, be stated that the mode of amending the constitution should be such as to make it sufficiently rigid to protect the fundamental rights of the citizens but which should at the same time leave it flexible enough to recognise that development is as much a law of life as existence and to secure deliberation before action and final decision in harmony with the principle of rule by majority. The safest course, it seems to me, would be to prescribe different procedure for different kinds of amendments to the constitution. For the more fundamental amendments the procedure should be more exacting than for amendments to less fundamental parts of the constitution.

7

Provincial Government in Relation to the Government of India

109. It is evident that the responsibility of the Executive would be of very little consequence if the Provincial Executive instead of being subordinate to the Provincial Legislature is subordinate to any other body outside the Province or if the Provincial Legislature instead of being supreme within its field is made subject to some other authority in the matter of the exercise of its powers. In other words responsible government must also be autonomous government. To render Provincial Government autonomous it is necessary to demarcate clearly the spheres of operation of the Provincial and Central Governments.

110. Prior to 1919 a Provincial Government was required under Section 45 of the Government of India Act, 1915, to obey the orders of the Governor-General in Council, and keep him constantly and diligently informed of its proceedings and of all matters which ought, in its opinion, to be reported to him, or as to which he requires information, and is under his superintendence, direction and control in all matters relating to the government of its province. This meant that the Provincial Governments had no acknowledged authority of their own in any of the matters which they administered; that whatever powers they exercised were powers which were delegated to them by the Central Government in the same way as a principal delegates his authority to his agent. By the Act of 1919 this relation of the Provincial to the Central Government was made subject to its provisions and rules made thereunder. Section 45(1)(b) of the Act of 1919 provided "for the devolution of authority in respect of provincial subjects lo local

governments, and for the allocation of revenues or other moneys to those governments," while Section 45 (3) laid down that " the powers of superintendence, direction, and control local governments vested in the Governor-General in Council under this Act shall, in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under this Act, but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such powers in any particular case comes within the purposes so specified." The Act of 1919 therefore made two changes: (1) It gave the provinces authority of their own as distinguished from authority derived as agents of the Government of India. (2) It relieved them of their former obligation to obey the Government of India in regard to those subjects which were transferred to the control of the Ministers but retained its powers of supervision. From this it is clear that there may be a complete transfer of all the subjects to the control of the Ministers; but transfer will always be subject to the powers of supervision of the Government of India involving interference in the freedom of action by the Provincial Government. The question is whether these powers of supervision are necessary and if so whether any other form of relationship between the Provincial and Central Governments can be contemplated in which these powers will be so placed as not to conflict with the autonomy of the Province.

111. By the Act of 1919 and the Rules made thereunder the Provincial subjects are marked off from Central subjects. Notwithstanding this the Provincial Legislature have not been given freedom of action or finality of action in legislating upon Provincial subjects. The powers of Provincial Legislature are restricted in two different ways. In certain matters defined in Section 80A it cannot without the previous sanction of the Governor-General make or take into consideration any law although it might pertain to a matter lying within the Provincial field. In certain other matters Provincial Legislature may pass a law but if the law happens to fall within the purview of Section 81A and rules made thereunder its action becomes subject to the veto of the Governor-General. The combined effect of these two restrictions on Provincial autonomy can be easily understood. The question is whether any other system of relationship between the

Provincial and Central Governments can be contemplated in which the powers of the Central Government will not conflict with the autonomy of the Province.

112. The provision regarding supervision by the Central Government over Provincial Government in the matter of administration of Provincial subjects and of previous sanction and subsequent veto by the Central Government of Provincial legislation regarding Provincial subjects is a feature which is not to be found in the constitution of any other country in which the functions of government are divided between two body politics. Central and Provincial, such as Canada, Australia and the United States. The provisions regarding previous sanction have found their way in the Indian constitution as a result of two erroneous suppositions. One is that it is not possible to demarcate functions exclusively. That assumption does not seem to be well founded. For in Canada the constitution does divide the functions into two distinct classes (1) those which exclusively belong to the Central Government and (2) those which exclusively belong to the Provincial Government making each government absolutely autonomous in the sphere which is allotted to it. The second assumption is that in dealing with those functions which cannot be said to be exclusively Provincial the only way open is to make their exercise subject to previous sanction and subsequent veto by the Central Government. This again seems to me to be an erroneous assumption. The constitution of Australia and the United States are examples where the constitutions have not divided the functions into two clear cut exclusive divisions as is done in Canada. By the scheme of division of powers and functions adopted by the Australian constitution there are certain matters over which the Central Government has exclusive powers. In certain other matters the powers of the Central Government are concurrent with those of the State Governments.

But the matters of concurrent legislation are divided into two categories:

(1) in which the power of the Commonwealth Parliament operates by way of paramount legislation merely over-riding any exercise by the State of its. own powers and

(2) in which the Commonwealth has no paramount power.

In the United States Governmental powers are distinguished into:

(1) Powers vested in the Central Government alone,

(2) Powers vested in the State Governments alone,

(3) Powers exercisable by either the Central Government or the States,

(4) Powers forbidden to the Central Government and

(5) Powers forbidden to the State Governments.

Thus the constitution of Australia and the United States both recognise that there may be functions which cannot be said to exclusively belong to either. But neither of them have adopted the plan of assigning them to one government subject to the previous sanction and subsequent veto of the other government. I recommend that the scheme of division of functions and powers like that of Canada should be tried and failing that the scheme prevalent in Australia or the United States should be adopted. But in any case the provision of previous sanction and subsequent veto should be done away with.

113. The provision whereby the Central Government has been invested with powers of supervision over subjects which have been transferred to Provincial control is partly due to want of clear cut allocation of subjects between Central and Provincial and partly to an erroneous view of the responsibility of the Central Government for the administration of Provincial subjects. The power of supervision is sought to be justified on the ground that certain subjects are of importance for Central Government. This reason will not survive a proper allocation of the subjects on the Canadian, Australian *or* American lines. The other justification for the powers of supervision is the view that the Government of India must be responsible for the peace, order and good Government of India as a whole and that it may discharge its own responsibilities, it must have the power of supervision. It seems to me that with the partition of functions there must follow a partition of responsibilities as well. If these responsibilities are partitioned and that of the Central Government confined to matters arising out of matters assigned to it, the necessity for supervision over Provincial Governments will vanish and I suggest that the

clauses in the Government of India Act which define the responsibilities of the Central Government should be amended accordingly.

114. While I am anxious to see that there should be established complete Provincial autonomy I am opposed to any change which will in any way weaken the Central Government or which will impair its national character or obscure its existence in the eye of the people. Holding this view I am against making the Central Government a league composed of a number of governments bound together to constitute for certain purposes a single body. The effect of such an arrangement is obvious. The league will exist only as an aggregate of governments, and will therefore vanish as soon as the governments decide to separate themselves from one another. Such a Central Government will last only as long as the component government's will desire it to last. The league being a confederacy of governments will have to deal with and act upon the governments only. With the individual citizen it will have very little to do. It will have no right to tax the individual, to adjudicate upon his causes or to make laws for him. Such a Central Government is bound to be the weakest government possible. My conception of the position of the Central Government will not permit me to reconcile myself even to such a form of relationship as is found in the American constitution in which the Central Government is a commonwealth as well as a union of commonwealths. It is true that under it the Central Government acts immediately upon every individual through its courts and executive officers. But it is equally true that the Central Government in the United States is a creature of the States. Having been called into existence by the States it must stand or fall with the States. The States retain all the powers which they have not expressly surrendered. The Central Government has no more powers than those that have been conferred upon it by law. Such a Central Government, howsoever stronger it may be than a Central Government in a league, will not in my opinion be strong enough for the needs of India. My view is that the national Government should be so placed as not to appear to stand by virtue of the Provincial Governments. Indeed its position should be so independent that not only it should survive even when all

Provincial Governments have vanished or changed into wholly different bodies but it should have the power to carry on provincial administration when a Provincial Government by rebellion or otherwise has ceased to function. Consequently on this aspect of the question I make the following recommendations:

(1) That all residuary powers must be with the Central Government,

(2) that there must be a specific grant of power to the Central Government to coerce a recalcitrant or a rebellious Province acting in a manner prejudicial to the interests of the country,

(3) that all powers given to the Provincial Government in case of its non-functioning shall return to the Central Government and

(4) that the election to the Central Legislature shall be direct.

PROVINCIAL GOVERNMENT IN RELATION TO THE CROWN

115. For the purpose of securing Provincial autonomy it is not sufficient merely to lay down proper relations between the Provincial Government and the Central Government. It is also necessary to define the status of the Provincial Government. This is of practical importance principally in respect to their external relations. That the Provinces cannot have any international status goes without saying. But the question of their relationship with the Home Government stands on a different footing and cannot be easily disposed of. It is clear that whatever the nature of the relationship between the Provincial and Home Government it must be in keeping with the constitutional law of the country. The degree of independent political existence of a Province must determine the angle from which the problem is to be looked at. Are the Provinces to be treated so very devoid of independent political existence that they are to be treated as mere internal divisions comparable with the areas of local Government, unknown and unrecognised beyond India itself ? If so, that Imperial Government would know but one Indian authority, the Central Government, and would in all matters affecting India address itself to that Government and receive communications from or through it alone. On the other hand, have the Provincial Governments an independent political existence in the eye of the

law ? If they can be said to have it, then the Imperial Government must recognise them and must in all provincial matters address them and must receive communication from them. Of these two possible bases of relationship there is no doubt that the latter is the more proper one. An independent political existence for the Provinces is now an accomplished fact. They have a sphere of activity in which they have an authority of their own. The whole scheme of reforms is opposed to the subordination of the Provincial Governments to the Central. The chief executive of the Province is not a nominee of the head of the Central Government. He is the representative of the Crown in the Province and not of the Governor-General. The constitution is a pluralistic constitution and there is nothing to suggest the view that while within India the constitution is to be treated as plural, conferring distinct powers on each, it is to be treated by the Imperial Government as a unitary constitution with a single responsible Government.

116. What are the matters in which the right of Provincial Governments to deal directly with the Home Government can be recognised ? Following the role prevalent in the case of the Australian Commonwealth that in matters in which the Crown is concerned solely in its capacity as part of the constitution of a Government, communications proceed directly between the State Governor and the Colonial Office without the intervention of the Governor-General, it must be claimed on behalf of the Provincial Governments that they shall have the right to deal with the Home Government directly without the intervention of the Central Government. The matters in which it must have such a right must include the reservation, the allowance and disallowance of provincial legislation, the appointment and removal of Provincial Governors and their instructions, the amendment of provincial constitutions and other matters which exclusively belong to the Provincial Governments. What about matters which do not exclusively belong to either Government ? I suggest that in cases in which the Central Government has paramount power of legislation, the Central Government is the sole representative of India. But as to matters within concurrent jurisdiction of the Central and Provincial Government, the Provincial Government must have a right to direct representation.

117. To make the political existence of the Provinces as an entity independent of the Government of India a reality, the representation of the Crown in the Provincial Executive and the Provincial Legislature should be made more manifest than it is at present. Under the existing law the Secretary of State has placed the Crown quite in the background and has in fact usurped its place. The office of the Secretary of State for India is analogous to the office of the Secretary of State for Colonies. But the two play quite different roles. The Secretary of State for Colonies occupies no place in the constitutional law of the Dominions. The constitutional laws of all the Dominions are emphatic in. their declaration that their Executive and Legislative Government is vested in the Crown. Section 2 of the Government of India Act gives a definite legal status to the Secretary of State. So prominent is the position given to the Secretary of State that he has altogether eclipsed the Crown. Indeed, except for a passing reference in Section I there is no mention of the Crown anywhere in the Government of India Act. The reasons for this are no doubt historical and go back to the passing of the Regulation Act of 1773 when the East India Company disputed the right of the Crown to the possessions it had acquired in the East. Whatever be the historical differences the fact remains that the Dominion laws do not recognise the Secretary of State while the Indian law does. The result is that the Secretary of State for Colonies does not govern the Dominions. His duty is to advise the Crown to allow or disallow particular acts of the Dominion Governments. The Secretary of State on the other hand is not merely the adviser of the Crown. By Section 2 of the Government of India Act he has been given the fullest powers of government.

118. The provisions contained in Section 2 cannot be justified under any circumstance. They are derogatory to the position of the Crown and are a perversion of the true position of a Secretary of State. They gave a false picture of the position of the Provincial Governments. Whatever might have been the justification of the provisions in Section 2 before 1919 the changes introduced in that year have removed it altogether. The powers of government having been transferred to the people it is no longer possible to retain those powers in the hands of the Secretary of State. To do so would be to introduce a system of double government fraught

with the possibilities of serious conflict. I therefore recommend that section (2) of the Government of India Act should be deleted and two new sections of the following tenor should be added:—

(1) The Legislative power of the Province shall be vested in a Provincial Parliament which will consist of the King and a Council *of.* the King and a Council of Representatives and which is hereinafter called " The Provincial Legislature".

(2) The Executive power of the Province is vested in the King and is exercisable by the Governor as the King's representative and extends lo the execution and maintenance of the constitution and of the laws of the Province.

Sections of similar import regarding the position of the Crown in the Government of India should be added to Act of 1919. Such a change will not only help to place the Crown and the Secretary of State in their true position, but they will also help to bring the constitutional law of India in line with the constitutional law of the Dominions.

PUBLIC SERVICES

Reorganisation of Services

119. *Separation of Services.*—The present organisation of the public services in India is the outcome of the recommendations of the Aitchison Commission which inquired into the Public Service of India in 1886-87. Prior to the appointment of the Commission the great bulk of the civil posts of higher responsibility and emoluments were filled by recruits from Europe and that Commission was expressly directed to suggest measures which would " do full justice to the claims of natives of India to higher and more extensive employment in the Public Service " of their country.

The Commission held the view that the Civil Service should be only " a Corps d'elite " and consequently recommended that the recruitment of officials in England should be substantially reduced and the higher appointments so set free transferred to a service locally recruited in India. As a result of these

recommendations officers recruited in England formed Imperial Services and the officers locally recruited formed the Provincial Services.

The conditions of appointments in regard to pay, leave and pension of officers belonging to the two services were to be fixed on independent grounds and were not necessarily to have any relation to each other. This division into Imperial and Provincial obtains in most of the Civil Services of the country which it is needless to detail. What is important to bear in mind is that the division was made to distinguish officers recruited in England and officers recruited in India and not as might be understood from the description, in order to distinguish officers placed under the Government of India and liable to serve all over India from officers placed under Local Governments and liable to serve only in specified provinces.

For instance the officers belonging to the Provincial services in the Telegraph (Engineering) and the Survey of India are directly under the Government of India and not confined to any particular province while officers in the Imperial Service in the Education and the Police Departments arc allotted to different provinces. In my opinion time has arrived when each Province should be free to organise its own civil service.

For this the All-India character of the services must cease. There should be Central Civil Service recruited and maintained in response to its own needs by the Central Government to run various departments which are handed over to it by the Government of India without imposing upon its members the liability to serve under any of the Provincial Governments. Similarly there should be a Provincial Civil Service recruited and maintained in response to its own needs by every Provincial Government exclusively for its own employment.

This recommendation cannot be said to involve any substantial change in the system. For although members of the Imperial Service and Provincial Service are liable to serve in any part in India, their All-India character is only nominal. For the cases in which a member of the Civil Service whether Imperial or Provincial has been called upon to serve in a Province different from the one in which he was originally posted are few. Almost all of them

continued to work to the end in the same Province in which they were placed in the beginning. That being the case the reform which I have suggested will involve no change. It will only recognise facts as they exist.

120. The grounds on which I press for this reform in the organisation of the Civil Service are many. First of all such a separation of the services into those which are Central in the sense that they are in the employment of the Government of India and those which are Provincial in the sense that they are in the employment of the Provincial Government has this immense advantage, namely that it is a reform which is eminently called for by the change in the character of the Provincial Government. If the present system was continued, ministerial responsibility would be difficult of realisation. Public Servants in India according to Section 96(B) of the Government of India Act no doubt hold their position during the pleasure of the Crown. But it must be remembered that the Act does not allow the Ministers the power to decide when His Majesty should be pleased to remove him from office.

Although that power is given to the authority who appoints him yet the dismissed officer has been given a right of appeal to the Secretary of State. Not only the Minister has no right of dismissing an officer, but he cannot even punish him with impunity, because it is provided in the Act that if any officer appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a Governor's Province he has a right to complain to the Governor and the Governor by the Act as well as by the instrument of instructions is bound to inquire and pass such an order as may appear to him just and equitable. These provisions must make any Minister, however strong he may be, quite helpless against a recalcitrant member of the Civil Service who refuses to carry out the policy for which the Minister is responsible to the legislature in accordance with its wishes. Ministerial responsibility requires that a Minister shall have power effectively to deal with an erring officer working under him. He must also have the power to decide how many officers he must have and to what particular post any of them might be appointed. The existing provisions do not permit him

any of the powers he must stand in sore need of. This anomaly was recognised by the Lee Commission which was appointed soon after the reforms were introduced. That Commission recommended that no further recruitment should take place in the transferred departments on an All-India basis and the personnel required for them should in future be recruited and appointed by Provincial Governments. As a result of this recommendation Provinces have been empowered to frame rule for the recruitment of officers who will take the place of the existing All-India Service Officers in these services operating in the transferred department when the latter vacate. The reform I have suggested is merely an extension of the same principle which the necessities of the case have compelled the authorities to accept. The extension cannot now be delayed for the reason that under a fully responsible system of Government the distinction between Reserved and Transferred will have vanished.

121. The second advantage of a separate and independent Provincial Civil Service will be the liberty it will give to the Provincial Governments to alter the cadre of the services belonging to the Province. The draw-back of the All-India system is that a Minister who is satisfied that there are several superfluous posts ordinarily held by the members of the All-India Service and a larger number the duties of which can be and in the temporary vacancies have been efficiently discharged by the more moderately paid officers of the Provincial Services, and who might therefore be convinced of abolishing such a post or transferring it to the cadre of a Provincial Service finds himself powerless to do so. For, under the Act he has no such power. All that he can do is to let such post remain in abeyance or to let an officer of the Provincial Service concerned officiate for a lengthened period. But even here his powers are limited. For, under the rules he cannot do this beyond fixed number of months without the sanction of the Secretary of State. This is a very serious limitation arising out of the All-India Organisation of the Services in that it prevents the attainment of the ends of economy for which the Reformed Council has been clamouring from its very inception.

122. These are not the only advantages of an independent system of Provincial Civil Service. The All-India character of the

service imposes upon the provinces uniformity in the conditions of employment in relation to pay, leave allowances, promotions and pensions. I contend that such uniformity must work great hardships upon the resources of comparatively poor Provinces. They are obliged to pay more for the service than they can reasonably afford. Nor can it be said that uniform scale of salary in all Provinces is necessary to ensure equality in the standard of living. It is notorious that owing to differences in local conditions the same standards of comfort can be had in two different Provinces on quite different salary. If that is the case there is no reason why should uniformity in pay be enforced when such uniformity is either burdensome or unjust.

123. The requirement of uniformity in the conditions of service also arises directly out of the All-India character of the Civil Service and it will not vanish unless the service ceases to have that character. The constitution of an independent Provincial Civil Service is a means for accomplishing this end and should be welcomed particularly when its accomplishment can reduce the cost of administration and give the Provinces full liberty to manage its own affairs.

This of course means that the position of the Secretary of State *vis-à-vis* the Provincial Governments in the matter of recruitment to the public service must be radically altered. The Secretary of State instead of being the general employer and the Provincial Government indenting upon him for the number of hands necessary for work in their provinces, the Secretary of State in those cases where the recruitment in England is necessary should merely act as the agent of particular provinces concerned, on the terms prescribed by the Provincial Government and not on the terms formulated by himself.

The Provinces should henceforth cease as authorities utilising the service of persons lent to them or found for them, so to say, by the Secretary of State. So long such a system continues the Secretary of State is bound to claim the powers which he now enjoys under Section 96B of the Government of India Act. Much is said by the Ministers against the powers retained by the Secretary of State over the Civil Service on the ground that they make responsible government impossible. That criticism is perfectly

valid. But those who urged this criticism do not seem to be aware of the fact that these powers can be taken away only when the Secretary of State ceases to be the recruiting officer.

124. If this reform of separation of services is carried into effect, I should like to suggest the following classification of the Provincial Civil Service —

Provincial Civil Service

Superior Service	Subordinate Service	Subordinate Service	Menial Service
Class I equivalent to the present I.C.S. and the Imperial Services		Class II equivalent to the Present Provincial Services	

125. *Recruitment Agency for the Provincial Civil Service.*—The next question that arises for consideration relates to the agency that should be in charge of matters pertaining to the recruitment to the Provincial Civil Service when the Secretary of State has ceased to perform that function. I accept that the Civil Service in order that it may be free from the evil effects of political influence and jobbery should be recruited and controlled by an authority independent of the Ministers. I am not, however, prepared to say that a Provincial Civil Service Commission could be instituted to take charge of this kind of work.

On financial considerations alone the proposal seems to be too big. However, I agree with the suggestion that in every province there should be a full-time officer specially charged with the consideration of service matters. He should be a liaison officer between the Public Service Commission and the Local Government.

Indianisation of the Services

126. (i) *Recruitment of Indians.*—The case for Indianisation was accepted by the Islington Commission in 1915. Its relation to the success of the Reforms was emphasised by the authors of the Joint Report and the Lee Commission gave effect to it by defining the proportion between the Indians and the Europeans in the different

services. There is, therefore, no necessity to argue the case for Indianisation *de novo.* All that is necessary to say is that during the interval that elapsed between the appointment of the Islington Commission and the appointment of Lee Commission the angle of vision regarding this question had completely altered. In the days of the Islington Commission the question was, " How many Indians should be admitted into the Public Services ? " At the time of the Lee Commission it had become, "what is the minimum number of Englishmen which must still be recruited ? " I am glad to say that the Lee Commission gave full recognition to this altered angle of vision. What is now necessary is to determine the necessary changes in the principles which were taken by the Lee Commission for framing the proportions of Indians and Europeans so as to accelerate the pace of Indianisation.

The consideration that should, in my opinion, govern the proportions is the requirement of a Department and the merits of qualified Indians to run them. If this consideration were adopted the proportions settled by the Lee Commission will have to be altered in favour of Indians in all departments except Law and Order, Forest and other Technical Departments.

127. (ii) *Payment of Indians.*—1 press for Indianisation not only on its own merits but also because of its potential effects on the finances of the Province.

For, I hope that Indianisation can be made to yield economy in administration. I have not been personally able to see why equality of pay to Indians and Europeans should be regarded as a necessary consequence of membership of an All-India Service. Looking to the question from the standpoint of merit I have been convinced that there is no logical justification for equal remuneration for both classes of public servants.

One class consists of a body of public servants exiled from their own home and posted in a country thousands of miles away in which they do not think that they can properly educate their children or maintain their health. Conditions such as these which compel them to maintain dual establishments at a standard of living admittedly high are considerations which do not apply to those civil servants who have their domicile in India. In contrast to their European colleagues they are working in a country in

which they are living free from the difficulties of dual establishments not exposed to ill-health owing to climatic considerations and accustomed to a comparatively low standard of living.

The financial burden they are obliged to carry is obviously less pressing than is the case with their European colleagues. If this difference between personal risk and sacrifices involved in the performance of their service is admitted, then in my opinion, there is no logical justification for paying them on the same basis. Indeed, if the total position of the two classes of public servants in India be compared then one thing is certain. That if the present salary of European officers is adequate then it is beyond dispute that the Indian officers are overpaid. If, however, the contention is that the Indian officers are not overpaid then it follows that the European officers are underpaid.

Whichever view is taken the present practice of equal pay to Indians and Europeans gives rise to a position which is quite unsatisfactory. I have no hesitation in saying that under the present practice of equal payment whether or not the European is adequately paid his Indian colleagues is certainly overpaid. That being my view I am anxious to see that the scale of salary of public servants with Indian domicile is lower.

This argument, I am sure, cannot fail to appeal to every Indian who examines the financial position of the different Provincial Governments and the serious embarrassments in which each is placed by reason of the high proportion of expenditure which is devoted to the payment of emoluments to public servants. There are some Indians I know who object to this principle of inequality in salaries. Be it noted that these objections come from those classes of Indians from which the Civil Service is largely recruited, and who claim to be the leaders of the country.

Theirs is a contemptible little argument without any substance in it. It has no substance because inequality in status is not a necessary consequence of inequality in pay. It is contemptible because it is based on self-interest. I for myself am in favour of increasing Indianisation mainly because of the large promise of economy which it holds out.

128. (iii) *Indianisation and the claims of the Backward Classes.*—It is notorious that the Public Services of the country in so far as they are open to Indians have become by reason of various circumstances a close preserve for the Brahmins and allied castes. The Non-Brahmins, the Depressed Classes and the Mohammedans are virtually excluded from them.

They are carrying on an intense agitation for securing to themselves what they regard as a due share of the Public Services. With that purpose in view they prefer the system of appointment by selection to the system of appointment by open competition. This is vehemently opposed by the Brahmins and the allied castes on the ground that the interests of the State require that efficiency should be the only consideration in the matters of appointment to public offices and that caste and creed should count for nothing.

Relying upon educational merit as the only test which can be taken to guarantee efficiency, they insist that public offices should be filled on the basis of competitive examinations. Such a system it is claimed serves the ends of efficiency without in any way prohibiting the entry of the Backward Classes in the Public Services. For the competitive examination being open to all castes and creeds it leaves the door open to a candidate from these communities if he satisfied the requisite test.

129. The attitude of the Brahmin and allied castes towards this question has no doubt the appearance of fairness. The system of competitive examination relied upon may result in fairness to all castes and creeds under a given set of circumstances. But those circumstances presuppose that the educational system of the State is sufficiently democratic and is such that facilities for education are sufficiently widespread and sufficiently used to permit all classes from which good public servants are likely to be forthcoming to complete.

Otherwise even with the system of open competition large classes are sure to be left out in the cold. This basic condition is conspicuous by its absence in India, so that to invite Backward Classes to rely upon the results of competitive examination as a means of entry into the Public Services is to practise a delusion upon them and very rightly the Backward Classes have refused to be deceived by it.

130. Assuming therefore that the entry of the Backward Classes in the Public Services cannot be secured by making it dependent upon open competition, the first question that arises for consideration is, have the Backward Classes a case for a favoured treatment ? Unless they can make good their case they cannot expect any modification of the accepted principles of recruitment by considerations other than those of efficiency pure and simple. In regard to this important question I have no hesitation in stating that the Backward Classes have a case which is overwhelming.

131. First of all those who lay exclusive stress upon efficiency as the basis for recruitment in public services do not seem to have adequate conception of what is covered by administration in modern times. To them administration appears to be nothing more than the process of applying law as enacted by the legislature. Beyond question that is a very incomplete understanding of its scope and significance.

Administration in modern times involves far more than the scrutiny of statutes for the sake of knowing the regulations of the State. Often times under the pressure of time or from convenience a government department is now-a-days entrusted with wide powers of rule-making for the purpose of administering a particular law. In such cases it is obvious that administration cannot merely consist in applying the law.

It includes the making up of rules which have the force of law and of working them out. This system of legislation by delegation has become a very common feature of all modern governments and is likely to be on the increase in years to come. It must be accepted as beyond dispute that such wide powers of rule-making affecting the welfare of large classes of people cannot be safely left into the hands of the administrators drawn from one particular class which as a matter of fact is opposed to the rest of the population in its motives and interests, does not sympathise with the living forces operating in them, is not charged with their wants, pains, cravings and desires and is inimical to their aspirations, simply because it comes out best by the test of education.

132. But even assuming that administration involves nothing more than the process of applying the law as enacted by the

legislature it does not in the least weaken the case of the Backward Classes. For, officers who are drawn from a particular caste and in whose mind consciousness of caste sits closer than conscientious regard to public duty, may easily prostitute their offices to the aggrandisement of their community and to the detriment of the general public.

Take the ordinary case of a Mamlatdar, administering the law relating to the letting of Government lands for cultivation. He is no doubt merely applying the law. But in applying he may pick and choose the lessees according to his predilection and very possibly may decide against lessees on grounds which may be communal in fact although they may be non-communal in appearance. Take another illustration of an officer placed in charge of the census department in which capacity he is called upon to decide questions of nomenclature of the various communities and of their social status.

An officer in charge of this department by reason of his being a member of particular caste in the course of his administration may do injustice to a rival community by refusing to it the nomenclature or the status that belongs to it. Instances of favouritism, particularly on the grounds of caste and creed are of common occurrence though they are always excused on some other plausible ground.

But I like to quote one which pertains to the Vishwakarmans of the Madras Presidency. It is related in their letter to the Reforms Enquiry Committee of 1924 in which they complained that " a Brahmin member of the Madras Executive Council Sir (then Mr.) P. Siwaswami Ayyar—when he was in charge of the portfolio of law, issued a Government Order objecting to the suffix ' Acharya ' usually adopted by the Vishwakarmans in their names and seeking to enforce in its place the word ' Asry ', which is weighed with common odium. Though there was neither necessity nor authority to justify the action taken by the law member, the Government Order was published by the law department as if on the recommendation of the Spelling Mistakes Committee. It happened to our misfortune that the non-official members of this Committee were drawn largely from the Brahmin community, who never knew how to respect the rights of their sister

communities and never informed us of the line of action that they were decided upon. It was dealt more or less as the stab in the dark."

133. This is inevitable. Class rule must mean rule in terms of class interests and class prejudices. If such results are inevitable then it must raise a query in the minds of all honest people whether efficient government has also given us good government ? If not, what is the remedy ? My view is that the disadvantages arising from the class bias of the officers belonging to Brahmin and allied castes has outweighed all the advantages attending upon their efficiency and that on the total they have done more harm than good.

As to the remedy, the one I see is a proper admixture of the different communities in the public service. This may perhaps import a small degree of inefficiency. But it will supply a most valuable corrective to the evils of class bias. This has become all the more necessary because of the social struggles that are now going on in the country.

The struggles between the Brahmins and the non-Brahmins, between Hindus and Mohammedans, between Touchables and Untouchables for the destruction of all inequalities and the establishment of equality, with all their bitterness, cannot leave the judges, magistrates, civil servants and the police without being influenced in their judgement as to the right or wrong of these struggles. Being members of the struggling communities they are bound to be partisans, with the result that there may be a great loss in the confidence reposed by the public in their servants.

134. So far I have considered the case of the Backward Classes on grounds of administrative utility. But there are also moral grounds why entry into the public service should be secured to them. The moral evils arising out of the exclusion of a person from the public service were never so well portrayed as by the late Mr. Gokhale. In the course of a telling speech he observed, " The excessive costliness of the foreign agency is not however its only evil. There is a moral evil, which, if anything, is even greater. A kind of dwarfing or stunting of the Indian race is going on under the present system. We must live all the days of our life in an atmosphere of inferiority and tallest of us must bend in order that

the exigencies of the existing system may be satisfied. The upward impulse, if I may use such an expression, which every school-boy at Eton or Harrow may feel that he may one day be a Gladstone, a Nelson, or a Wellington, and which may draw forth the best efforts of which he is capable, is denied to us. The full height to which our manhood is capable of rising can never be reached by us under the present system.

The moral elevation which every self-governing people feel cannot be felt by us. Our administrative and military talents must gradually disappear, owing to sheer disuse, till at last our lot, as hewers of wood and drawers of water in our own country, is stereotyped." Now what one would like to ask those who deny the justice of the case of the Backward Classes for entry into the Public Service is whether it is not open to the Backward Classes to allege against the Brahmins and allied castes all that was alleged by the late Mr. Gokhale on behalf of Indian people against the foreign agency ? Is it not open to the Depressed Classes, the non-Brahmins and the Mohammedans to say that by their exclusion from the Public Service a kind of dwarfing or stunting of their communities is going on ? Can they not complain that as a result of their exclusion they are obliged to live all the days of their lives in an atmosphere of inferiority, and that the tallest of them has to bend in order that the exigencies of the existing system may be satisfied ?

Can they not assert that the upward impulses which every school-boy of the Brahmanical community feels that he may one day be a Sinha, a Sastri, a Ranade or a Paranjpye, and which may draw forth from him the best efforts of which he is capable is denied to them ? Can they not indignantly assert that the full height to which their manhood is capable of rising can never be reached by them under the present system ? Can they not lament that the moral elevation which every self-governing people feel cannot be felt by them and that their administrative talents must gradually disappear owing to sheer disgust till at last their lot as hewers of wood and drawers of water in their own country is stereotyped ? The answers to these queries cannot but be in the affirmative. If to exclude the advanced communities from entering into public service of the country was a moral wrong, the exclusion

of the backward communities from the same field must also be a moral wrong, and if it is a moral wrong it must be righted.

135. These are the considerations which lead me to find in favour of the Backward Classes. It will be noticed that these considerations are in no way different from the considerations that were urged in favour of Indianisation. The case for Indianisation, it must be remembered, did not rest upon efficient administration. It rested upon considerations of good administration. It was not challenged that the Indian was inferior to the European in the qualities that go into the make-up of an efficient administrator.

It was not denied that the European bureaucracy had improved their roads, constructed canals on more scientific principles, effected transportation by rail, carried their letters by penny post, flashed their messages by lightning, improved their currency, regulated their weights and measures, corrected their notions of geography, astronomy and medicine, and stopped their internal quarrels. Nothing can be a greater testimony to the fact that the European bureaucracy constituted the most efficient government possible. All the same the European bureaucracy, efficient though it was, was condemned as it was found to be wanting in those qualities which make for human administration. It is therefore somewhat strange that those who clamoured for Indianisation should oppose the stream flowing in the direction of the Backward Classes, forgetting that the case for Indianisation also includes the case for the Backward Classes. Be that as it may, I attach far more importance to this than I attach either to Provincial Autonomy or to complete responsibility in the Provincial Executive. I would not be prepared to allow the devolution of such large powers if I felt that those powers are likely to fall in the hands of any one particular community to the exclusion of the rest. That being my view I suggest that the following steps should be taken for the materialisation of my recommendations:—

(1) A certain number of vacancies in the Superior Services, Class I and Class II, and also in the Subordinate Services, should every year be filled by system of nomination with a pass examination. These nominations should be filled on the recommendation of a select committee composed of

persons competent to judge of the fitness of a candidate and working in conjunction with the Civil Service officer referred to above. Such nominations shall be reserved to the Depressed Class, the Mohammedans and the Non-Brahmins in the order of preference herein indicated until their numbers in the service reach a certain proportion.

(2) That steps should be taken to post an increasing number of officers belonging to these communities at the headquarters.

(3) That a Central Recruitment Board should be constituted as a central agency for registering all applications for appointments and vacancies and putting applicants in touch with the offices where vacancies exist or occur from time to time. It is essential to put the man and the job in touch if this desire is to be achieved. The absence of such a Board is the reason why the efforts of the Government of Bombay in this connection have not achieved the success which was expected of them.

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